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ABSTRACT

This report describes a research effort to analyze extant information from state and local education agencies on the incidence and consequences of children with disabilities who bring weapons to school, engage in life-threatening behavior, or commit other acts of serious misconduct. Specific research activities included a review of existing national data sets, analysis of data from all 50 states (and the District of Columbia) and a sample of 62 school districts, and telephone interviews with 12 special education directors and school administrators in nine districts. The study analyzed data in terms of the following categories: suspensions, expulsions, percentage of misconduct by students with disabilities, disciplinary actions by disability category, weapons, gender, court injunctions, and due process. Among conclusions are the following: (1) states do not currently collect data appropriate for assessing misconduct by students with disabilities or the resulting disciplinary actions; (2) students with disabilities are probably suspended and expelled from schools at rates that exceed their proportion in the school population; (3) the provisions of the Individuals with Disabilities Education Act do not prevent these suspensions and expulsions; and (4) students identified as emotionally disturbed are highly over represented among special education students suspended and expelled. Extensive data tables, due process summaries, and interview protocols are appended. (DB)

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Analysis of Discipline Issues in Special Education

July 1996

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Office of the Under Secretary • Planning and Evaluation Service

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ANALYSIS OF DISCIPLINE ISSUES IN SPECIAL EDUCATION

Heightened public concern about school violence has resulted in attention to the well-established legal protections afforded students with disabilities by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (as amended), and court decisions. Those legal protections, essentially defining suspensions of more than 10 school days as changes in placement that require all the procedural protections associated with other placement changes under a student's individualized education program (IEP), developed during the 1980s through evolving case law, regulations, and policy guidance at the state and federal levels. Members of Congress and other policymakers have raised questions about the relationship between these legal protections and levels of dangerous misconduct by students with disabilities, the extent to which school officials' hands are tied in dealing with misconduct by students with disabilities, and whether the costs, particularly in relation to due process, are excessive.

This report, prepared by the Research Triangle Institute for the Department of Education's Planning and Evaluation Service, is the result of an extensive effort to obtain extant information from state and local education agencies on the incidence and consequences of children with disabilities' bringing weapons to school, engaging in life-threatening behavior, or committing other acts of serious misconduct. Specific research activities included a search for and review of existing national data sets, inquiries requesting available data from data managers in all 50 states and a sample of school districts, and telephone interviews with state and district officials.

Limitations of the Study

As the findings reported here reveal, data are quite limited, with few jurisdictions able to identify systematic data collection activities relevant to the study. Reported data are not from a representative sample of states and districts, but were those data available from extant data bases. Additionally, state and district officials providing information frequently described their data as limited in scope, comprehensiveness, reliability, or validity. Therefore, readers should not make broad generalizations from these data and should view the findings as suggestive rather than conclusive.

Procedures

To collect data for this report, the RTI research team contacted data managers and special education directors in each state, the District of Columbia, and 62 school districts to inquire about existing data, speaking with 221 school officials. RTI staff requested any available data related to misconduct by students with disabilities and, for comparison purposes, data related to the misconduct of all students as well. Of particular interest were disciplinary actions related to weapons in school or other dangerous behaviors. They also inquired about the number and nature of due process hearings or court injunctions related to serious misconduct or disciplinary actions. In addition, to shed light on issues for which adequate data were not available, RTI staff conducted in-depth interviews with 12 special education directors and school administrators in nine districts throughout the country. Topics addressed in these interviews included school personnel's opinions regarding the effect of IDEA provisions on the likelihood of schools' pursuing disciplinary actions for students with disabilities, the effects of differential treatment in instances where individuals with and without disabilities were involved in the same incident, and the administrators' beliefs about their abilities to discipline appropriately students with disabilities and to maintain safe schools.

Data Availability

Data on serious misconduct by students with disabilities are quite limited. The large majority of states collect no data on misconduct or disciplinary actions on a systematic, statewide basis. Many of the states that could provide data on suspensions or expulsions for all students could not break those data down by special education status. Some states could report the number of students with disabilities who had been disciplined but could not report comparable figures for all students. Where states or districts collect misconduct data, that data collection usually focuses on the number of disciplinary actions rather than the number of incidents of misconduct per se. In some jurisdictions, discipline data are accompanied by reasons for the actions, thus providing counts of incidents of misconduct when those incidents resulted in disciplinary actions. Data regarding the number of incidents of serious misconduct independent of disciplinary actions are extremely limited for students with or without disabilities.

Data Quality

Many explanations and caveats are necessary before presenting the study's findings. As previously described, data analyzed for this report come from only a few states and districts, mostly capture disciplinary actions rather than incidents of misconduct, and were not obtained from a representative sample of states and districts. In addition, states and districts use varying terminology to describe their disciplinary actions and their categories of misconduct. For example, what might be called an "expulsion" in one district could be reported as a "long-term suspension" in another district. The differences in language and definitions make cross-jurisdictional analyses problematic and require caution in interpretation. Districts and states also vary in regard to whom they label as students with disabilities and whom they count as special education students in reports of disciplinary actions. A small percentage of districts and and at least one state track separately only special education students in self-contained classrooms. Again, this creates problems for cross-district comparisons, and data that do not track all special education students understate the incidence of misconduct by students with disabilities. Because of these limitations of the data, broad generalizations from these data are inappropriate, and all findings must be viewed as suggestive rather than conclusive.

Analysis of Data

Aggregating and summarizing data across jurisdictions provided the opportunity to analyze data in relation to specific issues relevant to the research questions. *The study did not collect data on the appropriateness of disciplinary actions or on districts' efforts to reduce the incidence of misconduct or to lower discipline rates by actions such as the use of behavior management plans.*[1] The following paragraphs provide a brief overview of the findings.

> *Suspensions.* In many districts, students with disabilities are suspended at rates considerably higher than their proportion in the overall student population. Aggregated data from states and districts show that almost 20 percent of all students suspended were students with disabilities.
>
> *Expulsions.* The overall number and rate of expulsions reported by states and districts are much lower than the number and rate of suspensions. Four districts and one state, however, reported expelling students with disabilities at rates slightly higher than their percentage in the population.

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[1] The National Longitudinal Transition Study (1993) found only 6.4 percent of students with disabilities in mainstream academic classes had behavior management plan.

Percentage of Misconduct by Students with Disabilities. RTI researchers categorized discipline problems into eight broad types of misconduct. Overall, no major differences exist between special education students and the total student population in regard to the relative proportion of the eight types of misconduct, with approximately 80 percent of acts falling into categories comprising less serious misconduct and 20 percent into categories of more serious misconduct. In relation to their proportion of the total student population, however, students with disabilities are over represented in every category of misconduct.

Disciplinary Actions by Disability Category. Special education students who are suspended or expelled are most likely to be students with learning disabilities, but students with learning disabilities are not over represented in disciplinary actions because they are also by far the largest category of special education students. Students who are emotionally disturbed, however, are highly over represented among special education students who are suspended and expelled. Almost 28 percent of all special education students who were suspended or expelled were classified as emotionally disturbed, compared to a national estimate that less than 9 percent of all special education students have this disability.

Weapons. The *weapons* category accounted for 5.8 percent of all reported misconduct by students with disabilities and 4.8 percent of all reported misconduct for all students. The great majority (87 percent) of weapons-related misconduct by students with disabilities was for possession or concealment of a weapon. Reporting states and districts generally did not provide sufficient detail to permit inferences about the types of weapons that are most likely to be brought to school.

Gender. Males were overwhelmingly more likely to be suspended or expelled than were females. The gender discrepancy was even more pronounced among special education students than among the total student population.

Court Injunctions. No state official could provide any specific information about the extent to which school districts sought to obtain court injunctions to remove children whose presence in school could result in injury to themselves or others. In fact, few officials could recall any injunctions in their states, and they noted that in all likelihood they would have heard if such court actions had occurred. The lack of information about court-ordered removal of students indicates the rarity of this situation.

Due Process. Overall analysis suggests that due process cases involving issues of serious misconduct by or the disciplining of students with disabilities are rare. Twenty-five due process cases were reviewed for this report. Although not a representative sample, they do provide a portrait of due process activities. When a weapons violation or other dangerous behavior is a factor in a due process hearing, it is usually one of a series of considerations rather than the central issue that has resulted in the dispute.

Conclusions

This study's value lies in its exploration of a complex topic, not in any findings that definitively answer specific research questions. Like a qualitative study, this study has resulted in conclusions that are suggestive rather than definitive. What follows are a few of the conclusions that the extant data suggest.

- States do not currently collect data appropriate for assessing the extent or nature of misconduct by students with disabilities or the resulting disciplinary actions.
- Even with the limited availability of data, one conclusion regarding special education students and discipline seems clear: Students with disabilities are suspended from schools in significant numbers. In fact, available data suggest that schools suspend students with disabilities at rates that exceed their proportion in the total school population.
- School systems also expel students with disabilities, often at rates that exceed their proportion of the total student population. The overall number of expulsions reported by states and districts, however, is much lower than the number of suspensions, with many school districts expelling very few students, irrespective of disability status.
- *Overall, the data collected demonstrate that IDEA provisions do not prevent school districts from suspending or expelling students with disabilities.*
- For both students with disabilities and for all students, approximately 80 percent of acts of misconduct fall into relatively minor categories and approximately 20 percent of acts of misconduct are more serious in nature. Thus, in regard to seriousness of misconduct, data indicate no major differences between the relative proportion of types of misconduct for which special education students are disciplined and the types of misconduct for which the total student population is disciplined.
- Students identified as emotionally disturbed are highly over represented among special education students suspended and expelled, both in relation to their proportion of special education students and in relation to their proportion in the overall student population.
- Due process cases involving issues of serious misconduct by or the disciplining of students with disabilities are rare.
- Court injunctions to remove dangerous students from school pending consideration of a change of placement are exceedingly rare.

Chapter 1: Introduction

Heightened public concern about school violence has resulted in attention to the well-established legal protections afforded students with disabilities by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, as amended, and court decisions (e.g., *Honig v. Doe, S-1 v. Turlington*[1]). Those legal protections, essentially defining suspensions of more than 10 days as changes in placement that require all the procedural protections associated with other placement changes under a student's individualized education program, developed during the 1980s through evolving case law, regulations, and policy guidance at the state and federal levels. Members of Congress and other policymakers have raised questions about the relationship between these legal protections and levels of dangerous misconduct by students with disabilities, the extent to which school officials' hands are tied in dealing with misconduct by students with disabilities, and whether the costs, particularly in relation to due process, are excessive.

This report, prepared by the Research Triangle Institute for the Department of Education's Planning and Evaluation Service, is the result of an extensive effort to obtain extant information from state and local education agencies on the incidence and consequences of children with disabilities' bringing weapons to school, engaging in life-threatening behavior, or committing other acts of serious misconduct. Specific research activities included a search for and review of existing national data sets, inquiries requesting available data from data managers in all 50 states and a sample of school districts, and telephone interviews with state and district officials. As the findings reported here reveal, data are quite limited, with few jurisdictions able to identify systematic data collection activities relevant to the study. Additionally, state and district officials providing information frequently described their data as limited in scope, comprehensiveness, reliability, or validity.

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[1] *Honig v. Doe*, 108 S. Ct. 592 (1988); *S-1 v. Turlington*, 635 F.2d 342 (5th Cir. 1981).

Background

IDEA prohibits unilateral long-term suspension or expulsion of a student with a disability, regardless of the misconduct, unless the school convenes a group of persons knowledgeable about the student that determines that the misconduct was not a manifestation of the student's disability. Even this determination is not final, because the student's parents or guardian may request a due process hearing, which invokes the requirement that the student "stay put" in the current placement pending the proceedings or until the school successfully petitions a court to remove the student.

On October 20, 1994, the President signed the Improving America's Schools Act (IASA), which included an amendment to IDEA that modifies the "stay put" requirement for students with disabilities who bring a firearm to school. This amendment allows school districts unilaterally to place such students in an "alternative educational setting" for 45 days or during the pendency of related due process proceedings. This legislation does not address other weapons, including knives, and the definition of "firearm" includes most guns and incendiary devices, for example, grenades, but does not include certain types of guns, such as rifles that the owner intends to use for sporting, recreational, or cultural purposes. This IASA provision will remain in effect until the 1996 reauthorization of IDEA, which will likely include similar, or more extensive, reform of the "stay put" requirement. IASA also requires the Department of Education (ED) to collect data on the incidence of children with disabilities' engaging in life-threatening behavior or bringing weapons to school and to submit a report to Congress.

Pursuant to those IASA requirements, ED requested that Research Triangle Institute (RTI) conduct a review of extant data on serious misconduct by students with disabilities and related disciplinary actions. ED identified a comprehensive set of research questions related to discipline and students with disabilities. These questions are presented in Table 1-1. The answers to these questions would define the scope of the problem and effectively determine whether current IDEA provisions affected schools' abilities to discipline appropriately students with disabilities. Unfortunately, because of the limitations of existing data, described in more detail in subsequent sections of this report, none of these questions could be answered definitively and many could only be addressed marginally. The RTI research team was able, however, to reach some conclusions about misconduct by and disciplining of special education students in our nation's schools. Additionally, many states and districts indicated that they had plans to begin or strengthen data collection, especially in regard to incidents of weapons in schools and other dangerous behavior.

Table 1-1. Research Questions Identified by the Department of Education

Incidence of Misconduct

- How many children with disabilities per year engage in misconduct which could be the basis for suspension or expulsion for more than 10 days for children who are not disabled?
- How many children without disabilities are engaged in such misconduct?
- What is the nature of the misconduct?
- To what extent does this misconduct involve:
  a. bringing a weapon to school;
  b. life threatening behavior as defined in the Gorton Amendment;
  c. other dangerous, but not life threatening behavior; or
  d. non-dangerous behavior?
- How many of the children with disabilities engaged in such misconduct and are suspended or expelled, and how does this compare to the general population?

Number of Suspensions

- Of the total number of children with disabilities engaged in misconduct subject to discipline, how many children are suspended for up to 10 days?
- How do these numbers compare to children without disabilities?
- In how many cases involving suspensions of up to 10 days was the misconduct determined to be related to the disability?
- How many of these cases involved:
  a. bringing a weapon to school;
  b. life-threatening behavior;
  c. dangerous, but not life threatening behavior; or
  d. non-dangerous misconduct?
- To what extent are children engaged in misconduct that results in more than 1 suspension of up to 10 days?

Court-Ordered Removal

- In cases involving suspensions of children with disabilities for up to 10 days, how many schools try to obtain a court order to remove the child?
- To what extent do these cases involve:
  e. bringing a weapon to school;
  f. life-threatening behavior;
  g. dangerous, but not life threatening behavior; or
  h. non-dangerous misconduct?
- For each of these cases, in how many cases was the school successful in obtaining a court order?
- In how many cases in which the school sought a court order was the conduct found to be related to the disability?

Due Process Hearings

- In how many cases in which the school determined that the misconduct was not related to the disability did the parents request a due process hearing to challenge this finding?
- How many of these cases involved:
  a. bringing a weapon to school;
  b. life-threatening behavior;
  c. dangerous, but not life threatening behavior; or
  d. non-dangerous misconduct?
- In what proportion of cases were parents successful in challenging the school's findings?
- How long did it take to complete due process and any subsequent judicial proceedings?

Table 1-1. Research Questions Identified in the Task Order Request - continued

Changes of Placement

- In how many cases in which the school determined that the misconduct was related to the disability did the school propose a change in placement that the parent contested? How many of these cases involved:
  a. bringing a weapon to school;
  b. life-threatening behavior;
  c. dangerous, but not life threatening behavior; or
  d. non-dangerous misconduct?
- In what proportion of cases were parents successful in challenging the school's proposed change in placement?
- How long did it take to complete due process and any subsequent judicial proceeding?

Continuation of Educational Services

- For students eligible for IDEA who are subject to long-term suspension or expulsion for non-disability related misconduct, what steps are taken by SEAs and LEAs to ensure the continued provision of educational services?
- What is the setting in which those services are provided?
- What is the teacher/student ratio?
- What is the amount and duration of services provided to these students
- What steps are taken to ensure that these students are reinstated in school once the period of long-term suspension or expulsion has run out?

Overview of the Report

Subsequent chapters of this report describe RTI's data collection activities, outline the overall findings, present aggregated data and analyses of specific issues addressed by the research questions, discuss results of interviews with state and district officials, and present conclusions. The appendices include data tables summarizing all the data made available by states and districts,[2] summaries of relevant due process hearings, and interview protocols used by the study team.

Throughout this report, the reader will find caveats describing the limitations of the available data and the tentativeness of any conclusions that can be drawn. Because RTI's research effort was based on naturalistic inquiry rather than a comprehensive data collection effort, and because few jurisdictions could provide uniform statistical data relevant to the research questions, the findings and conclusions presented here are suggestive rather than definitive. Nonetheless, the naturalistic inquiry provided a valuable opportunity to enhance understanding of important issues related to the research questions, the background factors that clarify those issues, and the likely direction of findings based on more comprehensive data collection.

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[2] Appendix A also includes a table summarizing findings from the most recent report from the Office for Civil Rights.

Thus the findings presented here should assist policymakers by providing a credible indication of whether the level of serious misconduct by students with disabilities differs from that of the general student population, whether school officials are able to discipline students with disabilities, and whether school officials are overly burdened by due process protections when they attempt to take action in response to serious misconduct. The results of this study should also provide an indication of the challenges associated with accurately capturing data on the important questions raised by ED and on the direction subsequent data collection might take.

Chapter 2: Data Collection Activities

Procedures

The study team collected data for this report in two phases. The first phase focused mainly on questions regarding the availability of data. The second phase expanded the data collection activities to a canvass of all the states and a broader sample of districts throughout the nation. In total, RTI staff contacted all 50 states, the District of Columbia, and 62 school districts to inquire about existing data. As a precursor to telephone contacts, ED sent special education data managers in all 50 states a letter from the Director of the Office of Special Education Program's Division for Innovation and Development announcing that RTI staff would be contacting them. The letter included a description of the data RTI would be requesting, a brief background summary of the policy issues necessitating collection of this information, and a statement about the importance of the study in relation to pending congressional action on the reauthorization of IDEA.

In requesting data, RTI staff spoke with 221 school officials (144 state officials and 77 district officials), many of whom they spoke with more than once. When necessary to explain the purposes of the inquiry or to specify the data request more precisely, they followed telephone calls with letters, faxes, and e-mail. RTI staff requested any available data related to misconduct by students with disabilities and, for comparison purposes, data related to the misconduct of all students as well. Additionally, they asked data managers and special education directors for information on the suspension or expulsion of students with and without disabilities. In their request, they emphasized disciplinary actions related to weapons in school or other dangerous behaviors. They also requested available data on specific reasons for suspensions/expulsions, length of suspensions, age of students, grade, gender, race/ethnicity, and type of disability. RTI staff requested available reports or, if appropriate reports were not available, asked data managers to transmit printouts or other "raw" data. RTI staff developed and used a tracking system to record contacts and receipt of data.

Where uniform statistical data were not available, RTI requested partial data or any available anecdotal information. They also inquired about the number and nature of due process hearings or court injunctions related to serious misconduct or disciplinary actions. In states that do not maintain data at the state level, or where data were limited, RTI staff asked state data managers for recommendations for districts likely to have relevant data and for names and telephone numbers of data managers to contact in those districts. In addition, RTI staff conducted lengthier interviews with 12 special education directors, principals, and school administrators from nine school districts across the country. These interviews were designed to shed light on issues for which adequate data were not available. Topics of these conversations included school personnel's opinions regarding the effect of IDEA provisions on the likelihood of schools' pursuing disciplinary actions for students with disabilities, the effects of differential treatment in instances where individuals with and without disabilities were involved in the same incident, and the administrators' beliefs about their abilities to discipline appropriately students with disabilities and to maintain safe schools.

Appendix C includes protocols that provided a starting point for RTI telephone inquires and interviews. Note that in all cases the conversations were open-ended, with the protocols serving only as guides for the interviewer. The nature of this data collection process required that RTI staff follow the leads of the state and district officials they were interviewing.

Availability of Data

Data on serious misconduct by students with disabilities are quite limited. The large majority of states collect no data on misconduct or disciplinary actions on a systematic, statewide basis. Where states or districts collect misconduct data, that data collection usually focuses on the number of disciplinary actions rather than the number of incidents of misconduct per se. In some jurisdictions, discipline data are accompanied by reasons for the actions, thus providing counts of incidents of misconduct when those incidents resulted in disciplinary actions. Data regarding the number of incidents of serious misconduct independent of disciplinary actions are extremely limited for students with or without disabilities. Thus most of the data presented here relate to disciplinary actions. The few instances where states or districts reported on misconduct independent of any resulting disciplinary actions are noted in this report.

The availability of relevant data is limited in other ways as well. Many of the states that could provide data on suspensions or expulsions for all students could not break those data down by special education status. Some states could report the number of students with disabilities who had been disciplined but could not report comparable figures for all students. The two tables below summarize findings on data availability from contacts with each state education agency. Table 2-1 summarizes the availability of information on suspensions and expulsions from the 50 states and the District of Columbia.

Table 2-1. Summary of Availability of State-Level Data on Suspensions and Expulsions (50 States and District of Columbia)

Data Category	No. of States with Data (n=51)
Total Number of Students Suspended	16
Total Number of Students Expelled	18
Reason for Suspension/Expulsion Available	13
Reasons Include Weapons in School	13
Reasons Include Other Dangerous Behavior	13
Number of Special Education Students Suspended	8
Number of Special Education Students Expelled	13
Suspended/Expelled Special Education Students by Disability	10

Table 2-2 presents more detail on the availability of data for each of the 51 states. These tables indicate the nature of data collected by state education agencies as reported to RTI by state officials. Not all states officials who indicated that their states collected relevant data, however, provided that information to RTI. For example, officials in Hawaii reported that their state collected detailed data about disciplinary actions, but they were not able to compile those data for this study. In other states, officials provided some data but indicated that their states collected more extensive data that they were not able to aggregate. Therefore, an indication in these tables that states collect data does not necessarily mean that those data were available for examination or inclusion in this report.

Table 2-2. Availability of State-Level Data on Suspensions and Expulsions, by State

State	Total No. Students Suspended	Total No. Students Expelled	Reason for Susp./Exp. Available	Reasons Include Weapons in School	Reasons Include Dangerous Behavior	No. SPED Students Suspended	No. SPED Students Expelled	No. Susp./Exp. SPED Students by Disability
Alabama	yes	yes	yes	yes	yes	no	no	
Alaska	no	no				no	no	
Arizona	no	no				no	no	
Arkansas	yes	yes	yes	yes	yes	no	no	
California	no	no				no	no	
Colorado	yes	yes	yes	yes	yes	no	no	
Connecticut	no	no				no	no	
Delaware	yes	yes	yes	yes	yes	yes	no	yes
Dist. Columbia	yes	no	yes	yes	yes	no	no	
Florida	yes	yes	no			yes	yes	yes
Georgia	no	yes	no			no	no	
Hawaii	yes	yes	yes	yes	yes	yes	yes	?
Idaho	no	no				no	no	
Illinois	yes	yes	no			no	no	
Indiana	no	no				no	yes	yes
Iowa	no	no				no	no	
Kansas	no	no				no	no	
Kentucky	no	no				no	no	
Louisiana	yes	yes	yes	yes	yes	yes	yes	no
Maine	no	no				no	no	
Maryland	yes	yes	yes	yes	yes	no	yes	yes
Massachusetts	yes	no	no			yes	no	no
Michigan	no	no				no	yes	no
Minnesota	no	yes	no			no	no	
Mississippi	no	yes	yes	yes	yes	no	no	
Missouri	no	no				no	no	

Table 2-2. Availability of State-Level Data on Suspensions and Expulsions, by State - continued

State	Total No. Students Suspended	Total No. Students Expelled	Reason for Susp./ Exp. Available	Reasons Include Weapons in School	Reasons Include Dangerous Behavior	No. SPED Students Suspended	No. SPED Students Expelled	No. Susp./ Exp. SPED Students by Disability
Montana	no	no				no	no	
Nebraska	no	no				no	yes	yes
Nevada	no	no				no	no	
New Hampshire	no	no				no	no	
New Jersey	yes	yes	yes	yes	yes	no	no	
New Mexico	no	no				no	no	
New York	no	no				no	no	
North Carolina	no	no				yes	yes	yes
North Dakota	no	no				no	no	
Ohio	yes	yes	yes	yes	yes	yes	yes	yes
Oklahoma	no	no				no	no	
Oregon	yes	yes	no			no	no	
Pennsylvania	no	no				yes	yes	no
Rhode Island	no	no				no	no	
South Carolina	no	no				no	yes	yes
South Dakota	no	no				no	no	
Tennessee	yes	yes	yes	yes	yes	no	no	
Texas	no	yes	yes	yes	yes	no	yes	yes
Utah	no	no				no	no	
Vermont	no	no				no	no	
Virginia	no	no				no	yes	yes
Washington	no	no				no	no	
West Virginia	no	no				no	no	
Wisconsin	yes	yes	no			no	no	
Wyoming	no	no				no	no	

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Chapter 3: Overview of Findings

This chapter provides a brief description of the findings that address the research questions posed by ED, then presents some explanations or caveats related to the quality of the data. As the following sections indicate, most questions remain unanswered because of the limited scope or quality of the available data, and because data aggregation is problematic due to the lack of comparability of data across jurisdictions. Nevertheless, Chapter 4 presents analyses that address some of the specific topics targeted by the research questions. To keep the subsequent analyses in proper perspective, the reader must consider the caveats in the final section of the current chapter.

Availability of Data in Relation to Research Questions

The following paragraphs describe the availability of data in relation to the six clusters of research questions presented in Table 1-1 in Chapter 1. These include *incidence of misconduct*, *number of suspensions and expulsions*, *due process hearings*, *court-ordered removal*, *changes of placement*, and *continuation of educational services*. An additional topic addressed here, *differential treatment*, is a subtopic of *number of suspensions and expulsions* but is sufficiently important to warrant separate treatment.

Incidence of Misconduct. As described previously, most available state and district data focus on disciplinary actions rather than incidents of misconduct per se. These data yield an indication of overall incidence of misconduct, but, because these data are linked to discipline, they do not include misconduct that does not result in a reportable disciplinary action. Thus they probably underestimate the true incidence of misconduct but may overestimate the frequency of serious or dangerous misconduct in relation to all misconduct. Seven states and ten districts provided at least partial data on reasons for disciplinary actions against students with and without disabilities. Those data provide the best indication of the relative incidence of specific misconduct such as bringing a weapon to school. Only two states and two districts reported serious misconduct independent of disciplinary action, and six states and three districts provided a breakout by disability status. Because of the lack of precision in state and district data collection and reporting, understanding the nature of specific offenses, including their severity or comparability across jurisdictions, is often difficult. In Chapter 4, sections on the *Type of Misconduct* and *Percentage of Misconduct Committed by Students with Disabilities* summarize relevant data on the incidence of misconduct, aggregating these data across jurisdictions where possible.

Number of Suspensions and Expulsions. Seventeen states and 16 districts provided data on suspensions for all students, and 19 states and ten districts provided data on expulsions for all students. Six states and 16 districts reported data on suspensions of students both with and without disabilities, allowing some comparisons between the two groups of students. Comparisons must be viewed with caution, however, because data are not necessarily comparable across jurisdictions. For example, Louisiana's reporting on suspensions of special education students only covers students served in self-contained classrooms, and Massachusetts only reports on students suspended for 10 or more days. Most states and districts reported the number of suspensions or expulsions without reporting the length of those actions. Six states and ten districts provided expulsion data both for all students and for students with disabilities. Two states provided suspension data only on students with disabilities, and seven states and one district reported expulsion data only on students with disabilities. Some states and districts collected suspension and expulsion data by number of actions and others by number of students disciplined.

Differential Treatment. The existing state and district data provide no indication of the differences, if any, in the disciplinary actions for similar offenses taken against students with disabilities compared to those without. Similarly, data do not indicate how many students with disabilities, if any, avoid suspension or expulsion for misconduct that would result in suspension or expulsion for nondisabled students. The data do not show whether students with disabilities are suspended for shorter or longer periods of time than nondisabled students for similar misconduct. A series of open-ended interviews conducted by the RTI research team and reported in Chapter 6 addressed questions such as these.

Due Process Hearings. Thirty-one states responded to requests for information on due process hearings related to misconduct or disciplinary actions. Overall, issues related to misconduct or discipline have rarely led to due process hearings. Chapter 5 addresses the research questions on due process in greater detail, based on summaries of hearings received by Research Triangle Institute.

Court-Ordered Removal. State and district officials typically reported that they were aware of few or no court injunctions to remove dangerous students whose parents had declined to agree to a change of placement. No state keeps formal records of such injunctions, although officials responsible for due process activities commonly reported that they would expect to hear if a situation reached the injunction stage. Conversations with state and district officials make it clear that court injunctions are quite rare. Chapter 5 briefly addresses this issue.

Changes of Placement. Data collection efforts for this study uncovered very little information related specifically to changes in placement. State and district officials reported that they kept no aggregate data on placement changes. A few jurisdictions use *placement* as a category for their tallies of reasons for due process hearings, but in no case did these tallies indicate that the placement in dispute was related to student misconduct or disciplinary actions. One district reported that instead of expelling students with disabilities, they place students who commit expellable offenses on homebound instruction, which simply requires a change of placement on the student's IEP.

Continuation of Educational Services. Data collection efforts did not yield any aggregate information related specifically to continuation of educational services following long-term suspension or expulsion. State and district officials typically indicated that services continue and that these services are decided on an individual basis, as determined by the student's IEP committee. When students are placed in alternative settings or on homebound instruction following misconduct, some jurisdictions count these students as suspended or expelled and others do not record any disciplinary action. Notes in the tables in Appendix B acknowledge this distinction when that information was available.

Overall, as the following section highlights, states and districts provided data that could address many of the research questions, but data were insufficient to provide definitive answers to any questions.

Quality of the Data

The following explanations and caveats will be helpful for understanding the utility and limitations of findings discussed in this and subsequent chapters and in interpreting the tables found in Appendix A.

- Data analyzed for this report come from only a few states and districts. *These data capture a very small proportion of the actual number of incidents of misconduct or disciplinary actions.* They were *not obtained from a representative sample of states and districts*, but were instead acquired because they were available from extant data bases. Therefore, *broad generalizations from these data are inappropriate*, and all findings must be viewed as suggestive rather than conclusive.

- The RTI research team contacted officials in districts of all sizes and in all geographic regions of the country. Most of these districts, however, had been identified by state education officials as districts that made special efforts to maintain data collection systems, thereby introducing the potential for systematic bias into what is already a nonrepresentative sample. Furthermore, *larger and more urban districts tend to be most likely to track discipline issues, introducing additional bias as these districts are likely to differ from other districts in many ways, including the level and seriousness of disciplinary problems they experience.*

- As described in Chapter 2, most available state and district data focus on disciplinary actions rather than specific incidents of misconduct. Some jurisdictions reported data on the reasons for disciplinary actions, and those data proved to be the best available information about incidence of misconduct. That information, however, is biased if students with disabilities were treated differentially in matters of discipline. If students with disabilities were not disciplined for misconduct that resulted in disciplinary action for nondisabled students, suspension and expulsion data will understate the incidence of misconduct by students with disabilities.

- States and districts use varying terminology to describe their disciplinary actions. For example, what might be called an "expulsion" in one district could be reported as a "long-term suspension" in another district. Or, although some districts remove students from schools for long periods of time, they do not necessarily count that as an expulsion, particularly in regards to students with disabilities, if the students continue to receive any type of educational assistance, even if only for a few hours each week in a homebound or other alternative setting. The differences in language and definitions make cross-jurisdictional analyses problematic and require caution in interpretation.

- Districts and states also vary in regard to whom they count as special education students in reports of disciplinary actions. A small percentage of districts and at least one state track separately only special education students in self-contained classrooms. In these jurisdictions, students with disabilities who are served in regular education classrooms are not counted in disciplinary reports as special education students. Other districts do not include speech and language-impaired students in their special education counts. Again, this variation creates problems for cross-district comparisons, and data that do not track all special education students understate the incidence of misconduct by students with disabilities.

- Most data summaries in this report do not compare students with disabilities directly to their nondisabled peers. Instead, comparisons are made between students with disabilities and total student populations, with the latter including students with disabilities. Including students with disabilities in the statistics for total student populations ensures that the relative incidence of misconduct by or disciplinary actions against students with disabilities are placed in the context of the overall population. This perspective guards against the distortion that would occur if students with disabilities were simply compared to their nondisabled peers. Although the latter comparisons might appear to be cleaner arithmetically, they would overstate the extent to which students with disabilities are responsible for misconduct in the schools.

- In preparing the data tables presented in Appendix A and the analyses reported in Chapter 4, RTI staff chose to report the percentage of all incidents or disciplinary actions that involved students with disabilities and to place these percentages in perspective by reporting the percentage of students with disabilities in the total student enrollment. They were able to use this method in almost all the tables. Alternatively, they could have compared the rates at which students with and without disabilities were involved in misconduct or disciplinary actions. Those rates, however, would be quite small--in many cases fractions of one percent. For example, for Texas RTI reported that 8.8 percent of students expelled were students with disabilities and that 11.2 percent of students in Texas were students with disabilities (based on the same database). Alternatively, the study authors could have reported that students with disabilities in Texas were expelled at a rate of 0.03 percent compared to a rate of 0.05 percent for nondisabled students. In addition to the small size of these numbers, reporting rates is problematic because the available data for many jurisdictions were duplicated student counts--students who were suspended more than once or expelled for multiple reasons were counted more than once. This duplicated student count makes developing an accurate rate impossible. Reporting the percentage of misconduct incidents or disciplinary actions (not the percentage of students) becomes the only acceptable method for making comparisons between students with and without disabilities.

- In the data tables in Appendix A, RTI standardized reporting formats across jurisdictions to the extent possible. The information in each table is unique, however, reflecting both the available data and the language used by the reporting jurisdictions. Thus data that appear to be comparable across tables (and across jurisdictions) are not necessarily so. Additionally, the reported data represent differing time periods across jurisdictions. The specific arrangement of variables in each table and the notes that follow the table should help to clarify the nature of the variables and the relationships among them.

Chapter 4: Analysis of Data

The previous chapter described the relationship between the available data and the research questions and provided explanations and caveats related to the quality of the data. This chapter aggregates and summarizes data that are available to address specific topics raised by the research questions. Some topics that might be of interest, such as student race or grade level, are not presented because of the absence of relevant data. Appendix A contains state and district tables that provide more detailed data on many of the topics.

Suspensions

In many districts students with disabilities are suspended at rates significantly higher than their proportion in the overall student population (10.3 percent nationally). As Table 4-1 indicates, 15 districts and four states reported suspension numbers for both students with disabilities and their total student populations. In 11 of the 15 districts and all four states, students with disabilities were suspended at rates greater than their proportion in the population. Furthermore, in nine of those districts and one state, special education students were suspended at rates approximately double their percentage in the total enrollment. The aggregate data from districts and states show that almost 20 percent of all students suspended were students with disabilities.

Table 4-1. Number of Suspensions for 15 Districts and 4 States

Suspensions	District Data	State Data
Total number of suspensions	73,107	445,327
Suspensions of students with disabilities	14,473	87,341
Percentage of total suspensions received by students with disabilities	19.8%	19.6%

Expulsions

The data collected demonstrate that IDEA provisions do not prevent many school districts from removing students with disabilities from regular school settings following misconduct. As Table 4-2 shows, nine districts and six states reported expulsion data for both students with disabilities and their total student populations. Of those, four districts and one state reported expelling students with disabilities at rates greater than their percentage in the population, although generally not by a wide differential.

Table 4-2. Number of Expulsions for 9 Districts and 6 States

Expulsions	District Data	State Data
Total number of expulsions	1,484	9,800
Expulsions of students with disabilities	179	651
Percentage of total expulsions received by students with disabilities	12.1%	6.6%

The percentage of *expelled* students who are special education students (12.1 percent in districts and 6.6 percent in states) is considerably lower than the percentage of *suspended* students who are classified as special education students (19.8 percent in districts and 19.6 percent in states). A number of explanations for this discrepancy are possible. At least part of the differential is a result of some districts and states not reporting students with disabilities as expelled, even if those students have been removed from the schools. Instead, these students are categorized as receiving "homebound services," enrolled in an "alternative placement," or something similar, and they are not counted in expulsion numbers. It is certainly possible that expulsion rates for students with disabilities are lower than suspension rates because IDEA regulations restrict expulsion or long-term suspension of students whose misconduct is a manifestation of their disability. These restrictions are not present for short-term suspensions. As stated previously, however, available data do not permit conclusions regarding the extent to which these manifestation determinations are affecting expulsions, if at all.

Type of Misconduct

Districts and states reported data on the specific nature of student misconduct in two ways. Nine districts and seven states reported data on reasons for suspensions or expulsions. In these cases, the data were tallies of incidents of misconduct for which students were disciplined. One district and two states, however, reported the number of actual incidents of misconduct, independent of any consequences. Combining data from these two kinds of tallies, as is done here, provides a rough indication of the relative proportion of various types of misconduct, at least for these 19 jurisdictions.

Analysis required aggregating multiple district and state categories into a few broad categories. Although individual districts and states used varying terminology to label misconduct, RTI analysts condensed these labels into eight broad categories. These eight categories are:

- ***Fighting or Threatening***. Misconduct in this category does not include any action labeled "assault" and does not include any action resulting in a reported injury.
- ***General Misconduct***. This category consists of acts that are nonviolent in nature and includes such misbehaviors as truancy, tardiness, disruption, insubordination, disobedience, and foul language.
- ***Weapons***. This category includes guns, knives, ninja stars, brass knuckles, and any other type of weapons.
- ***Other Dangerous Behaviors***. This category includes assault, aggravated assault, assault and battery, reckless driving, gang membership, and behaviors causing injury.
- ***Drugs or Alcohol***. This category includes possession, use, or sale of these substances.
- ***Theft, Vandalism, or Robbery***.
- ***Sexual Misconduct***. This category includes harassment, molestation, and sexual assault.
- ***Violence against Staff***. This category includes both physical assaults and verbal threats.

With data broken out into these general categories, it was possible to tabulate the types of misconduct occurring in the reporting states and districts. The next section compares specific incidents involving students with disabilities to those for all students. The section also provides a within-group analysis of the proportion of each misconduct type for students with disabilities and for all students.

Percentage of Misconduct Committed by Students with Disabilities

Using data from the nine states and 10 districts that reported reasons for disciplinary actions or tallies of specific incidents of misconduct, RTI analysts examined the eight categories of misconduct to determine the percentage of acts in each category that were committed by special education students. For each of the categories, Table 4-3 presents the number of acts committed by students with disabilities, the number of acts committed by all students, and the percentage of all acts committed by students with disabilities.

Table 4-3. Number and Percentage of Acts Committed by Students with Disabilities for 9 States and 10 Districts, by Misconduct Category

Misconduct Category	Number of Acts Committed by Students with Disabilities	Number of Acts Committed by All Students	Percentage of All Acts Committed by Students with Disabilities
Fighting or Threatening	10,869	81,165	13.4%
General Misconduct	11,163	78,680	14.2%
Weapons	1,564	8,945	17.5%
Other Dangerous Behaviors	1,495	6,302	23.7%
Drugs or Alcohol	550	4,338	12.7%
Theft, Vandalism, or Robbery	561	3829	14.7%
Sexual Misconduct	554	3,591	15.4%
Violence Against Staff	953	2,639	36.1%
TOTALS	27,709	189,489	14.6%

For this limited sample of states and districts, students with disabilities committed 14.6 percent of the acts of misconduct. Compared to the national average of 10.3 percent of students classified as disabled,[1] students with disabilities were over represented in every category of misconduct. Students with disabilities were most highly over represented in the categories of *violence against staff* and *other dangerous behaviors*, although the absolute numbers of incidents in these categories were low relative to less serious types of misconduct.

Table 4-4 shows the relative proportion of all misconduct that fits each of the eight categories. It provides a within-group analysis of misconduct type for students with disabilities and for all students. Note that these percentages do not show the proportion of acts committed by students with disabilities relative to those committed by all students. Rather, they show the percentages of incidents fitting each of the eight categories of misconduct committed by students with disabilities, and all students, relative to all incidents committed within each group.

Table 4-4. Distribution of Misconduct by Type and Disability Status for 9 States and 10 Districts

Misconduct Category	Students with Disabilities	All Students
Fighting or Threatening	39.2%	42.8%
General Misconduct	40.3%	41.5%
Weapons	5.6%	4.7%
Other Dangerous Behaviors	5.4%	3.3%
Drugs or Alcohol	2.0%	2.3%
Theft, Vandalism, or Robbery	2.0%	2.0%
Sexual Misconduct	2.0%	1.9%
Violence Against Staff	3.4%	1.4%
TOTALS	100.0%	100.0%

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[1] Based on data for the 1993-94 school year, as presented in the *Seventeenth Annual Report to Congress on the Implementation of The Individuals with Disabilities Education Act.*

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Analysis of the data summarized in Table 4-4 suggests that incidents of dangerous behaviors are relatively infrequent for both students with disabilities and for all students. The two least serious categories of misbehavior, *fighting or threatening* and *general misconduct*, account for 79.5 percent of all incidents of misconduct for students with disabilities and 84.3 percent of incidents of misconduct for all students. *Thus data indicate no major differences between the relative proportion of types of misconduct for which special education students are disciplined and the types of misconduct for which the total student population is disciplined: For both students with disabilities and for all students, approximately 80 percent of acts of misconduct fall into relatively minor categories and approximately 20 percent of acts of misconduct are more serious in nature.* Although the percentages do not differ greatly, some variation is present, and a relatively higher proportion of the misconduct by students with disabilities involved dangerous incidents, compared to all students. For example, the data for all students revealed that 4.7 percent of incidents fell in the *weapons* category and 3.3 percent involved *other dangerous behaviors*. An examination of these same categories for students with disabilities showed that 5.6 percent of these students' misconduct falls in the *weapons* category and 5.4 percent in the *other dangerous behaviors* category.

Weapons

The *weapons* category accounted for 5.6 percent of all reported misconduct by students with disabilities and 4.7 percent of all reported misconduct for all students, again based on data aggregated from the states and districts that reported reasons for disciplinary actions or tallies of specific incidents of misconduct. The reporting states and districts generally did not provide sufficient detail about incidents in this category to support many inferences about the types of weapons that are most likely to be brought to school, by either general or special education students. Most states and districts that track weapons-related reasons for suspensions and expulsions list only one general category such as "possession/use of a weapon," without making any distinction between the types of weapons involved and whether or how these weapons were used.

Across a total of seven states and 10 districts reporting on weapons-related misconduct, there were 8,945 reports of weapon violations in the schools. Breaking those data down into more specific categories reveals that, in this aggregated data base:

- Students with disabilities are most highly over represented in the category of *aggravated assault with a weapon.*
- Most districts and states do not record the type of weapon involved in a violation, so it is impossible to know how many of the reported incidents involve potentially life-threatening weapons, how many incidents involve less serious weapons, and how many incidents involve ordinary school items used as a weapon (e.g., pencils, staplers, scissors).
- At least some districts take disciplinary action when students bring toy guns to school.
- Sale of a weapon is uncommon.

Table 4-5 contains a breakout of weapon incidents in the reporting states and districts.

Table 4-5. Percentage of Acts of Misconduct Involving Weapons by Students with Disabilities for 7 States and 10 Districts

Misconduct Involving a Weapon	Incidents by Students with Disabilities	Incidents by All Students	Percentage of Incidents by Students with Disabilities
Possession and/or concealment of a weapon (type of weapon not specified)	1,299	7,798	16.7%
Possession of a gun	23	215	10.7%
Possession of a knife	29	247	11.7%
Possession of another type of weapon (neither gun nor knife)	5	48	10.4%
Possession of a toy gun	9	40	22.5%
Aggravated assault with a weapon (type of weapon not specified)	197	577	34.1%
Sale of a weapon	2	20	10.0%
TOTAL Weapons Violations	1,564	8,945	17.5%

Disciplinary Actions by Disability Category

Seven states and five districts were able to report the specific disability category for their students with disabilities who were suspended or expelled. Aggregating these data provided some indication of the relationships between disability category and disciplinary actions. To put these relationships into a meaningful context, RTI researchers compared the proportion of students who were suspended or expelled in each disability category to national estimates of students in each category. The actual percentage of special education students in the various disability categories for the seven states and five districts reported here may differ from the national estimates, but the difference should not be great. As is evident in Table 4-6, special education students who were suspended or expelled fell largely into two disability categories: *learning disabled* and *emotionally disturbed.*

Table 4-6. Percentage of Special Education Students Suspended or Expelled, by Disability Category, for 7 States and 5 Districts

Disability Category	Percentage of Special Education Students Suspended/Expelled	Estimated Percentage of All Special Education Students[1]
Learning Disabled	52.8%	51.2%
Seriously Emotionally Disturbed	27.7%	8.7%
Mentally Handicapped	12.4%	11.4%
Speech/Language Impaired	4.9%	21.2%
All other Disabilities	2.2%	7.5%
TOTAL	100%	100%

[1] Estimates derived from *Seventeenth Annual Report to Congress on the Implementation of The Individuals with Disabilities Education Act* for school year 1993-94.

Students who are learning disabled are the most likely special education students to be suspended or expelled, but they are not greatly over represented in disciplinary actions because they are also by far the largest category of special education students. In the aggregated data base, 52.8 percent of all the special education students who were suspended or expelled were classified as learning disabled, a number only slightly higher than the estimate of 51.2 percent of

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all special education students classified as learning disabled. On the other hand, students who are emotionally disturbed are highly over represented among special education students suspended and expelled. Almost 28 percent of all special education students who were suspended or expelled were classified as emotionally disturbed, compared to a national estimate of less than 9 percent of all special education students who carry this label. The data also show that students with speech and language impairments are much less likely to be suspended or expelled than are special education students in other disability categories. This finding is not surprising, given that the majority of students with speech/language impairments are in the early elementary grades, where suspensions and expulsions are relatively rare.

For five states and five districts, RTI analysts were also able to determine the percentage of all students suspended or expelled who fell into specific disability categories. As Table 4-7 indicates, in the five states, students with learning disabilities represented 11.6 percent of *all* students suspended or expelled, and students with serious emotional disturbance represented 6.3 percent of *all* students suspended or expelled. Based on data from the five districts, students with learning disabilities represented 12.5 percent of *all* students suspended or expelled, and students with serious emotional disturbance represented 5.3 percent of *all* students suspended or expelled. Thus the percentages of students with learning disabilities and students with emotional disabilities who were suspended or expelled were, at least in these states and districts, considerably higher than the likely percentages of students with these disabilities in the overall population.

Table 4-7. Percentage of Students Suspended or Expelled Who Were Special Education Students, by Disability Category, for 5 States and 5 Districts

Disability Category	Percentage of All Suspended/Expelled Students in 5 States	Percentage of All Suspended/Expelled Students in 5 Districts	Estimated Percentage of All Students[1]
Learning Disabled	11.6%	12.5%	4.2%
Seriously Emotionally Disturbed	6.3%	5.3%	0.7%
Mentally Handicapped	2.2%	3.2%	0.9%
Speech/Language Impaired	1.3%	0.9%	1.7%

[1] Estimates derived from *Seventeenth Annual Report to Congress on the Implementation of The Individuals with Disabilities Education Act* for school year 1993-94.

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Gender

Three states and seven districts reported the gender of all students suspended or expelled, including students with disabilities. In all the reporting jurisdictions, for all students, males were overwhelmingly more likely to be suspended or expelled than were females. Table 4-8 displays the relevant data. As the figures in the table show, the gender discrepancy was even more pronounced among special education students, although more males than females are classified as students with disabilities.

Table 4-8. Gender and Disability Status of Students Suspended or Expelled for 3 States and 7 Districts

Gender	Number of Students with Disabilities Suspended/ Expelled	Percentage of Students with Disabilities Suspended/ Expelled	Number of All Students Suspended/ Expelled	Percentage of All Students Suspended/ Expelled
Male	87,876	83.3%	432,128	72.1%
Female	17,666	16.7%	167,236	27.9%
TOTAL	105,542	100%	599,364	100%

States With Comprehensive Data

Four states -- Delaware, Ohio, Florida, and Louisiana -- have established fairly extensive systems for collecting data on discipline issues in the school districts throughout their states. A look at the experiences of these states, as well as districts with significant data collection activities, can highlight both the potential and the challenges associated with such an endeavor.

Information on discipline issues in Ohio's schools is collected as part of a much larger data collection effort, the Education Management Information System (EMIS), which was created by legislative mandate in 1989. Legislators hoped that the EMIS would enhance accountability in the schools by providing information that would allow school management to be evaluated for efficiency and effectiveness. Discipline issues are only a small part of this very extensive data collection system, which tracks everything from student and teacher demographics, attendance, testing results, and types of instruction offered to financial information.

For the discipline data, every district in the state prepares a twice-yearly report for the state department of education summarizing discipline actions in their district at the student level. Records indicate which of a range of disciplinary actions students received, including corporal punishment, in-school suspension, out-of-school suspension, and expulsion. Records also indicate the disciplined students' race, sex, school, and grade. If a student is classified as a student with a disability, this is also indicated, along with the student's handicapping condition. Reasons for disciplinary actions, however, are recorded only for expulsions, and data collection forms list only nine reason-for-expulsion categories: truancy, behavioral problems, fighting/violence, vandalism/theft, false alarms/bomb threats, use/possession of weapons, use/possession of drugs/alcohol, sale/distribution of weapons, and sale/distribution of drugs/alcohol. After disciplinary data sheets are received by the state office, they are scanned into a statistical program that allows programmers to provide data in many different formats. The system has a tremendous amount of analytical flexibility, allowing comparisons to be made at the individual student, individual school, district, or state levels.

Although the Ohio system for tracking discipline data is one of the most sophisticated in the country, it nevertheless has limitations: Reasons for disciplinary actions, an important piece of information for policymakers and others interested in misconduct in the schools, are only reported for expulsions, not for lesser offenses. In addition, the categories of reasons listed for expulsion are either too broad (e.g., *behavioral problems*, into which many students fall) or too specific (e.g, *alarms/bomb threats*, into which almost no students fall). Although reason codes allow for recording data on both possession and sale of weapons, there are no provisions for recording the types of weapons involved, nor are possession and use of a weapon distinguished. In addition, Ohio officials indicated that in the recent past, the discipline data were "shaky," with schools possibly having difficultly reporting accurately. They believe the data are now of much better quality.

Like Ohio, Delaware has a legislative mandate to collect information about discipline issues, and Delaware was the only state in the early fall of 1995 that could already provide data for the 1994-95 school year. School-level discipline reports provided to the state department of public instruction include information on disciplined students' race, sex, school district, grade, and special education status. If a disciplined student has a disability, records indicate the student's handicapping condition and the type of special education services the student receives (for example, full-time or part-time services, regular or self-contained classroom). The Delaware data base has 30 specifically defined reason codes for suspensions, and each of these data elements can be cross-referenced. The data base tracks information on suspension only. Information on expulsions and information on disciplinary actions less serious than suspension are not maintained at the state level.

As discipline data from the 1994-95 school year were compiled, officials in the Delaware Department of Public Instruction were surprised to find that suspensions for all students were up sharply from the previous school year, with even greater increases among students with disabilities. School officials have no explanations for this increase, although they do not believe it is a data collection bias. They are taking steps to identify possible reasons. To Delaware's credit, the extensive state-wide data collection system allowed for early identification of this important discipline issue.

Florida collects unduplicated counts of the number of students who have been suspended, expelled, or received corporal punishment at least once during the school year. Districts send an entire school year's records in electronic form to the SEA in August. The LEAs create their records from ongoing reports they receive from their schools throughout the school year. All data received by the SEA are linked to individual student records. This link makes it possible for the SEA to report how many students with disabilities have been suspended, expelled, or received corporal punishment, as well as their specific disability category. Florida has provided those data for this report for school years 1993-94 and 1994-95. For those years, however, Florida has not collected information on the reasons for the disciplinary actions, the number of times students have received each action, or the length of suspensions or expulsions.

In the 1995-96 school year, Florida will move to incident reporting tied to crime and violence. The districts will provide the SEA with incident reports and discipline reports connected to the incident records. Thus for each disciplinary action resulting from criminal or violent misconduct, the new system will provide details about the disciplinary action and the reasons for the action. With disciplinary actions linked to student records, the state will be able to aggregate data to show how many students have been disciplined, how many times they have been disciplined, the length of the suspensions or expulsions, and the reasons for the actions. The SEA will be able to report these numbers with breakouts by various student characteristics, including special education status.

The Louisiana State Department of Education also maintains a detailed data collection system for tracking discipline issues. The state keeps records on student suspensions and expulsions for 21 various reasons, all of which can be broken down by race, gender, and grade level. For suspensions, the state tracks number of students suspended, number of suspensions, number of days suspended, and number of students suspended twice or three or more times. The data collection system also tracks school dropouts by race, gender, age, grade, scholastic record, disciplinary record, and nine reason categories, including disciplinary problems. Despite this detailed effort, Louisiana's data collection records unfortunately contain one major limitation when it comes to analyzing discipline issues and students with disabilities: When keeping records on students with disabilities, Louisiana distinguishes only those special education students served in self-contained classrooms.

Districts With Comprehensive Data

In general, districts had much more extensive and detailed data collection systems than did states. Many districts were able to provide some measure of detail not only about how many students were suspended or expelled, but why. Tucson, Arizona, for example, tracked suspensions by 34 specific reason categories, and New York City reported 21 categories of infractions that led to suspensions. Many districts also tracked disciplinary actions by sex, race, grade level, and special education status. Although districts generally tracked more information than states, their data processing capabilities were often not as sophisticated, and in many cases data bases were not formatted in such a way that multi-variable analyses could be run. For example, some districts could report how many male students were suspended and how many special education students were suspended, but could not necessarily combine those two data elements to report how many male special education students were suspended.

The two districts contacted by RTI researchers that reported the most detailed disciplinary information were Anne Arundel County, Maryland, and Des Moines, Iowa. Anne Arundel reported 69 reasons for suspension. Within each reason category, teachers and administrators can also record the seriousness of the particular disciplinary problem (for example, by recording whether each action was a "regular offense" or an "extended offense" or whether is was a "class B verbal assault" or a more serious "class C verbal assault"). For each category of offense, information is also summarized by ethnicity, gender, and regular or special education status. For special education students, no breakdown by disability category is provided for suspended students. For expelled special education students, disability categories are recorded, but reasons for expulsion are not. Des Moines, Iowa reported 26 specifically defined reasons for suspensions and keeps records for in-school suspensions, out-of-school suspensions, and alternative placements. Those records can be broken down by grade level for all students and by special education classification for students with disabilities. Records are not kept, however, by either race or gender of disciplined students, or for expulsions.

Chapter 5: Due Process & Court Injunctions

RTI polled officials in all 50 states and the District of Columbia regarding availability of information on the occurrence of districts' petitioning courts to remove dangerous students and on due process hearings that focused on serious misconduct or disciplinary actions. No state official could provide any specific information about court injunctions. In fact, few officials could recall any injunctions in their states, and they noted that in all likelihood they would have heard if such court actions had occurred. Because of the lack of information about court-ordered removal of students, the remainder of this chapter addresses issues related to due process.

Analysis of Due Process Cases

Thirty-one states provided some information about their due process hearings, which varied from tallies of the number of hearings and the broad topics they addressed to hearing summaries or transcripts. States provided the most recent information they had compiled, which usually were cases settled during the previous school year. The overall number of hearings related to discipline or serious misconduct cannot be estimated because most states do not keep records that identify discipline or misconduct as hearing topics. Where states tally hearings by reason, reasons are typically broad and related to specific IDEA procedural issues, resulting in categories such as *placement*, *FAPE*, *evaluation*, or *identification*.

Ten states, however, provided either hearing summaries or transcripts of cases that RTI researchers could analyze. Twenty-five cases provided by state officials were relevant to the study. Given the naturalistic methods employed by RTI and the lack of uniformity across states regarding the records they keep, these cases may or may not be representative of all cases. Nevertheless, they do provide a portrait of the types of cases that reach due process and a sense of the frequency of these cases. The remainder of the discussion in this section focuses on these 25 cases. Appendix B contains synopses of the cases.

Table 5-1 shows the distribution of the cases across states and the number of cases that involved a weapon versus those involving other dangerous behaviors. In these cases, the actual issue in dispute was usually the appropriateness of a placement or whether the student was receiving a free and appropriate public education (FAPE). Attorney's fees, payment for private evaluations, and whether proper due process procedures had been followed may also have been in dispute. The ages of students involved in weapons cases ranged from 6 to 19, and the age range of students in cases involving other dangerous behaviors was 9 to 16. In 24 of the 25 cases the dispute involved a male student, including all the cases where weapons were an issue.

Table 5-1. Number of Discipline Cases by State Involving Weapons or Other Dangerous Behaviors

State	Weapons	Other Dangerous Behaviors
Alabama	2	2
Arizona	0	2
Florida	3	5
Nebraska	0	1
New Mexico	1	0
New York	1	1
Oklahoma	1	0
Oregon	0	1
Rhode Island	1	0
Texas	2	2
TOTALS	11	14

Table 5-2 shows the distribution of cases by disability category, with seven students counted twice because they were labeled with more than one disability.

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Table 5-2. Distribution of Cases by Disability Category

Disability Category	Weapons	Other Dangerous Behaviors
Learning disabled	5	4
Emotionally disturbed[1]	4	5
Attention deficit disorder	2	3
Hearing impaired	1	1
Tourette's syndrome	0	1
Regular education students	2	4

[1] Different states using various terminology for this classification. Terms used include emotionally disturbed, emotionally conflicted, emotionally handicapped, and seriously emotionally disturbed.

No injuries were reported in any of the cases involving weapons. Students who brought a weapon to school reported that they did so for protection against or to threaten another student or, in two cases, because they forgot to leave at home a small knife or box cutter used in their place of employment. In the 11 cases, the following weapons were involved:

- Knives - 5 cases
- Guns - 4 cases
- Box cutter - 1 case
- Ax - 1 case
- Undefined illegal weapon - 1 case

In two cases the guns brought to school were unloaded. In only one of the 11 cases is there indication in the record that a student made a serious threat with a weapon. In that case, a 17-year-old student chased another with an ax. In one other case a student brandished a knife and poked another student with it "apparently in a joking manner." One knife case involved a six-year-old boy who brought a table knife to school to cut Fig Newtons he had brought with his lunch.

Ten of the 25 cases disputed manifestation determinations, which is the question of whether a student's misconduct was disability related. Five of these cases involved weapons and

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five involved other dangerous behaviors. For all the weapons-related cases, the students were already identified as special education students, while three of the five other cases disputed whether a nonidentified student had a disability related to the misconduct. In four cases parents prevailed, meaning that the hearing officer determined that the misconduct was a manifestation of a disability, and in five cases the school district prevailed. One case, in which the parents prevailed, was rendered moot when mother and son moved out of the state. Table 5-3 shows the prevailing party in relation to the misconduct for all cases, including those disputing manifestation determinations.

Table 5-3. Prevailing Party in Due Process Cases Involving Manifestation Determinations

Prevailing Party	Weapons	Other Dangerous Behaviors
Parents	2	2
School district	3	2
Moot[1]	0	1

[1] In the moot decision, the parents were the original prevailing party but the decision was later rendered moot because the mother and son moved out of state.

Conclusions Related to Due Process and Court Injunctions

The 25 relevant due process cases about which states provided greater detail are not a representative sample of due process hearings related to serious misconduct or discipline. They do, however, provide a portrait of due process activities and suggest the following conclusions:

- Due process cases involving issues of serious misconduct by or the disciplining of students with disabilities are rare.
- When a weapons violation or other dangerous behavior is a factor in a due process hearing, it is usually one of a series of considerations rather than the central issue that has resulted in the dispute.

As described in the first paragraph of this chapter, state officials could provide no information about the court-ordered removal of dangerous students. The following conclusion is apparent:

- Court injunctions to remove dangerous students from school pending consideration of a change of placement are exceedingly rare.

Chapter 6: Interviews with District Officials

In order to address research questions that could not be answered using existing data alone, RTI conducted lengthy open-ended interviews with 12 school officials in nine districts around the country. Interviewees included eight directors of special education, two principals, and two assistant superintendents. The protocol that guided these interviews is included in Appendix C. Because of the unstructured nature of these interviews, not all interviews were asked the same questions.

As Chapter 4 describes, available state and district data provided substantial evidence that students with disabilities are disciplined, often at rates considerably higher than non-disabled students. The available data, however, did not permit RTI researchers to address a number of questions, including whether students with disabilities receive the same treatment as their nondisabled peers for similar misconduct and how parents of students with disabilities are involved in the discipline process. As reported in Chapter 5, review of due process information led to the conclusion that due process hearings for disciplinary reasons are rare and court injunctions are extremely rare. By conducting in-depth interviews, however, RTI staff were able to obtain more details about school districts' experiences with due process procedures and other legal protections under IDEA. RTI researchers also were able to solicit school administrators' beliefs about their abilities to discipline adequately students with disabilities and to maintain safe schools.

Relative Frequency of Misconduct

The RTI research team first asked interviewees their impression regarding whether students with disabilities engage in dangerous behaviors or other serious misconduct more or less frequently than their nondisabled peers. Approximately half the respondents reported that the incidence of misconduct was "about the same" for disabled and nondisabled students. One director of exceptional children stated that one child in ten who is sent to a principal's office for disciplinary reasons is a special education student, and that this is slightly less than the percentage of special education students in his district. The other half of the interviewees commented that students with disabilities were involved in serious misconduct more frequently than nondisabled students, with one interviewee pointing out that this pertained particularly to children classified as emotionally disturbed or with attention deficit disorder. One interviewee commented, "For most of the fifteen categories, there would be no difference. But there are higher rates among youngsters with behavioral or emotional disturbances. That is just the nature of the handicap."

Differential Treatment

Regarding the type of discipline students receive for acts of misconduct, there was general agreement that students with disabilities are dealt with somewhat differently than nondisabled students. Often the resulting action is the same, particularly for suspensions of less than ten days, but respondents reported that teachers and administrators always gave more consideration to ways to discipline a special education student, whereas a nondisabled peer would be dealt with in a summary fashion. One interviewee stated that "with a student with a disability, we would sit down and talk, but the discipline would likely be the same." Another interviewee commented, "It would depend on the kid. Does the child have an IEP to deal with this? Is this a chronic problem? If so, then we will address it in the IEP and try to come up with alternative ways to deal with it." In a similar vein, a special education director commented that students with disabilities might have alternative plans written into their IEPs, including such things as cool-down periods or specific time outs, which nondisabled students would not have. If a student with a disability did not have an alternative discipline plan, however, then he or she would generally be dealt with in the same manner as a nondisabled student.

Most of the interviewees saw the differences in discipline in a positive light, commenting that the provisions of IDEA encouraged them to "deal with discipline issues in a proactive way" and in a "creative manner" that they felt benefitted both students and school personnel. Three respondents, however, were more negative in their assessments. One commented that principals tended to not suspend students with disabilities for the same length of time as nondisabled students because they did not "want to bump up against the 10-day limit and have to do all that paperwork." One director of special education felt the rules created an unfair system for nondisabled students. He described a situation in his district in which two students, one nondisabled and one with a mild learning disability, had conspired to sell drugs. The nondisabled student was immediately expelled, but the student with the learning disability remained in school for quite some time, then was given a change of placement and continued to receive services that his nondisabled partner could not access. Similarly, a middle school principal stated that two students had recently been fighting at school. One, a nondisabled student, was sent home immediately, but the other student, who had a disability, returned to his classroom. The principal commented that he did not like the message that this sent "to other kids on the campus, when they see that students with disabilities don't get sent home." In contrast, one assistant superintendent was extremely enthusiastic about the benefits of IDEA for her school system. She stated that the IDEA has forced the district to "put more planning and thought into developing appropriate responses to discipline issues. If one approach is not working, there is now a greater likelihood that we will come back to the table and rethink the process."

Agreement with Parents

On the issue of how often school authorities and parents of students with disabilities can reach agreement about the appropriate approach to addressing serious misconduct, there was unanimity among respondents. Each one said that they almost always reached agreement with parents. Respondents commented that they "meet an awful lot with parents" and that they "like to work with parents to make sure everyone is 'on the same page' *before* a problem comes up." One interviewee stated that "parents are an integral part of all planning. If there are any discipline problems, a behavioral management meeting is convened to agree upon a plan. Parents are very involved in this." Most interviewees stated that they had never had parents disagree with a recommended change in placement, they had never been involved in a due process hearing revolving around a discipline issue, and that there had never been a disagreement between school personnel and parents as to whether or not a student's action was a manifestation of a disability. A principal commented that if students are having discipline problems, they "let parents know well in advance" and they "cover the ground so well" that there is never a question about manifestation determination. A special education director stated that if a student engages in some type of serious misconduct, "the parents are as horrified about it as the school" and they do not disagree to a recommended change in placement. Another principal commented that parents are "very aware of what all the schools are doing for their kids," and that the parents therefore trust the schools when changes of placement are recommended.

Although disagreements between parents and school officials were rare among this group of interviewees, they did occur on occasion. Two respondents recalled cases in their districts where there was a disagreement over manifestation determination. In neither of these cases were weapons or life-threatening behaviors involved. One case involved drug use, and the other case involved a weekend act of vandalism at the school which the parents maintained was related to the student's attention deficit disorder. Both of these cases are ongoing and the students remain in their current placements in the interim. A director of special education commented that the biggest use of the manifestation determination was by nondisabled students who get into some kind of trouble and subsequently argue that they should be labeled as disabled. He stated that their school system had three such incidents in the past year. Another special education director mentioned that this had also occurred in his district, and that he had "some parents begging to have their kids declared handicapped." The interviewee stated that the parents believed that if their children were classified with a disability, "they would get lesser discipline." Only one interviewee stated that parents and school authorities had a disagreement over a change of placement. This case involved "chronic minor misbehavior, but nothing dangerous," and is still ongoing, with the student involved staying put in his original placement while the issue is being decided.

Seriousness of Misconduct

Questioning school personnel about the type of misconduct students engage in revealed that incidents of serious, life-threatening misconduct by students with disabilities were extremely rare. One respondent stated that he had "17 special education students expelled right now, all of them for 'minor sins of the flesh' like chronic tardiness or backtalk." Another interviewee claimed that out of "many hundreds" of discipline issues, he had seven cases of serious misconduct, including four knives, two unconfirmed allegations of knives, and one unloaded pistol. He added that in each of these cases, the school system and parents agreed on appropriate responses. A special education director from a medium-sized urban district stated that the most serious discipline issue she had to deal with repeatedly was fighting. One administrator stated that a vandalism issue was the most serious discipline issue his district had faced, and as of yet there had not been a special education student with a weapon in their school system. In another medium-sized district that includes a large rural population, the special education director stated that they had only had one special education student involved in a weapon incident in their system. This particular student brought ninja stars to school and was subsequently expelled, with school authorities and the student's parents all agreeing on this course of action. And one special education director from a suburban district commented about serious discipline issues: "They are hardly a blip on the screen."

Court Injunctions

Eleven of the interviewees indicated that they had no experience with court injunctions to remove students from school. Although RTI researchers knew such injunctions were very rare, in order to obtain information about what is involved in the process, they selected a district for the interviews that was forced to seek a court injunction in the previous year. The case involved a youngster who brought a gun to school and was recommended for expulsion. The parents disagreed with the recommendation, and the school then sought a court injunction. The court swiftly granted the injunction, and the student was removed from school. According to the district's director of special education, the process was not problematic, particularly expensive, nor burdensome. He felt the system worked well.

Jeffords Amendment

Each interviewee had heard of the Jeffords amendment to the Improving America's School Act, which allows for a 45-day alternative placement for a student bringing a firearm to school. All but two interviewees were familiar with the details of the amendment, including the definition of "firearm." All agreed that the Jeffords amendment was a good piece of legislation, but there was disagreement as to whether or not it should be expanded. Approximately half the interviewees stated that they would like to see the amendment expanded to include a 45-day removal for students who brought other types of weapons, not just firearms, to school. One director of exceptional children stated, "Kids can bring knives, pipes, machetes, or other things to school and still be very dangerous." Another special education director would like to see the amendment expanded to include drugs in addition to all weapons, stating the schools "should have a zero tolerance policy for drugs, weapons, and assaultive behavior." Approximately half the interviewees, however, felt that the current Jeffords amendment was satisfactory and should not be changed. An assistant superintendent said, "Firearms pose the biggest dangers. There are other measures in IDEA sufficient to deal with other weapons."

Federal Guidelines

In response to questioning about the U.S. Department of Education guidance paper on disciplining students with disabilities that was issued in April of 1995, half the interviewees did not specifically recall seeing or reading the document, but they commented that it was the sort of information that would likely have crossed their desks. The other half of the respondents, however, were familiar with the guidance paper. Two mentioned that their departments had conducted orientation sessions for principals and assistant principals based on the document, and two mentioned that they had circulated the document among school personnel.

Need for Statutory Change

In response to the question, "do you believe that current statutory provisions provide sufficient authority to appropriately discipline students with disabilities and to maintain safe schools," the answer was a qualified "yes." The only negative response to this question was the recommendation from some interviewees to expand the Jeffords amendment to include all weapons and drugs, as noted previously. One director of special education, however, felt that more staff education was needed. She stated that she believed the IDEA was sufficient to discipline students adequately, but that "school personnel sometimes don't know how much authority they have." An assistant superintendent stated that "the IDEA works very well. It protects the rights of students, and it also prevents school personnel from doing anything other than thoughtful responses. It encourages us to have creative responses and to do our job better."

Effective Discipline Practices

Interviewees listed a wide variety of techniques when they were asked about effective methods of addressing discipline issues with students with disabilities. The most common suggestion was "working closely with parents." A special education director said that their "mission statement is about valuing collaboration and the team process, so the parents are always involved." This same administrator said her department offers a number of information sessions each year on topics parents are interested in, such as ADD, Medicaid, or SSI. Another director of exceptional children programs stated that, "the most important thing is parent involvement. Parents are a major part of the IEP. We get our parents to come to school."

Another common response to the question about effective practices was staff training. An assistant superintendent commented that her district provides ongoing training for both special and general education teachers, especially in regards to working with students with emotional disorders. She felt that this was particularly useful in helping general education teachers feel competent working with special education students and "an inclusive environment makes this a necessity." Other responses included student-teacher-administrator mediation programs and behavior management plans. One special education director stated that she has "a number of people on my staff who are really good at developing behavior management plans with systems of rewards and punishments that are detailed and very specific to the kids." Another administrator mentioned that they do "lots of work with developing behavior management plans. We identify students who have begun to have inappropriate behavior so that we can deal with it proactively. This structured approach helps, and it alerts parents that we want a good, safe learning environment where all students can learn." Counseling, referrals to other agencies or alternative programs, and time-out periods were other methods of dealing with discipline problems.

Conclusions from Interviews

In some areas, the interviews corroborated the existing data collected from states and districts. Consistent with the existing data, respondents reported that, compared to their nondisabled peers, the relative frequency of serious misconduct by special education students was about the same or slightly greater for students with disabilities. Incidents of life-threatening misconduct by students with disabilities were extremely rare. Interviewees also reported few problems reaching agreement with parents when a student's dangerous behavior required a change in placement. Due process procedures were not a hindrance to effective action, nor were schools put in a position of having to obtain court orders to move a child because parents would not agree to a change.

Although most respondents thought that students with disabilities are dealt with differently than nondisabled peers, they described this difference as positive. While nondisabled students are dealt with in a summary fashion, teachers and administrators give more consideration to ways to discipline special education students. This thoughtful planning leads to more appropriate disciplinary action for these students. The respondents easily identified effective methods of addressing discipline. Their recommended strategies included working closely with parents, staff training, mediation, behavior management plans, counseling, and referrals to other agencies or alternative programs.

The respondents were well aware of the current rules and regulations related to disciplining students with disabilities. All were aware of the Jeffords Amendment and approximately half recalled the Department of Education's April 1995 memo on discipline. The interviewees were split regarding the need for statutory change, with half believing that the Jeffords amendment was sufficient and half expressing the opinion that the amendment should be expanded to include other types of weapons.

Chapter 7: Conclusions

This study's value lies in its exploration of a complex topic, not in any findings that definitively answer specific research questions. The study did not collect data on the appropriateness of disciplinary actions or on districts' efforts to reduce the incidence of misconduct or to lower discipline rates by actions such as the use of behavior management plans.[1] The study also did not look at the frequency with which misconduct by students with disabilities was a manifestation of the student's disability. *At multiple points, this report has highlighted the limited scope of available information overall and the various specific limitations of the data that are available.* Chapter 3 in particular contains the appropriate explanations and caveats, which will not be repeated here. *Like a qualitative study, this study has resulted in conclusions that are suggestive rather than definitive.* What follows, therefore, are the conclusions that are supported tentatively by extant data.

Current Availability of Misconduct Data

- With few exceptions, states do not currently collect data appropriate for assessing the extent or nature of misconduct by students with disabilities, or the resulting disciplinary actions. This information is also not collected for the general school population.
- Many states and districts reported plans, at various stages of development, for collecting misconduct data, especially data related to violence, weapons, and other serious acts of misconduct.
- Four states -- Delaware, Florida, Louisiana, and Ohio -- and a number of districts have sophisticated data collection systems already in place.

Suspension and Expulsion

- Even with the limited availability of data, one conclusion regarding special education students and discipline seems clear: Students with disabilities are suspended from schools in significant numbers.
- Furthermore, all available data suggest that students with disabilities are suspended at rates that exceed their proportion in the total school population.

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[1] The National Longitudinal Transition Study (1993) found only 6.4 percent of students with disabilities in mainstream academic classes had behavior management plan.

- School systems do expel students with disabilities as well, often at rates that exceed their proportion of the total student population. The overall number of expulsions reported by states and districts, however, is much lower than the number of suspensions, with many school districts expelling very few students, irrespective of disability status.

- The percentage of *expelled* students who are students with disabilities is lower than the percentage of *suspended* students who are students with disabilities.

- Overall, the data collected demonstrate that IDEA provisions do not prevent school districts from suspending or expelling students with disabilities.

Type of Misconduct

- Based on the national average of 10.3 percent of students identified as disabled,[2] students with disabilities are over represented in every type of misconduct.

- In regard to seriousness of misconduct, data indicate no major differences between the relative proportion of types of misconduct for which special education students are disciplined and the types of misconduct for which the total student population is disciplined. The large majority of all incidents of student misconduct for both special education students and all students can be grouped into two broad categories: *general misconduct* and *fighting or threatening*. These relatively minor offenses comprise over 80 percent of all incidents of misconduct.

- Students with disabilities are most highly over represented in misconduct that RTI researchers categorized as *violence against staff* and *other dangerous behaviors*, although the absolute numbers of incidents in these categories were low relative to less serious categories of misconduct.

Weapons in School

- Most districts and states do not record the type of weapon involved in weapon violation cases, so it is impossible to know how many incidents involve dangerous or life-threatening weapons and how many incidents involve less serious weapons.

- Breaking available state and district data on misconduct involving weapons into the most specific categories possible reveals that, although the great majority (87 percent) of weapons-related misconduct by students with disabilities was for *possession or concealment of a weapon* rather than use of a weapon, students with disabilities are highly over represented in the category of *aggravated assault with a weapon*.

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[2] Based on data for the 1993-94 school year, as presented in the *Seventeenth Annual Report to Congress on the Implementation of The Individuals with Disabilities Education Act.*

Student Characteristics

- Students identified as emotionally disturbed are highly over represented among special education students suspended and expelled, both in relation to their proportion of special education students and in relation to their proportion in the overall student population.
- Males are overwhelmingly more likely to be suspended or expelled than are females. This gender discrepancy was even more pronounced among special education students than among the total student population.

Due Process and Court Injunctions

- Due process cases involving issues of serious misconduct by or the disciplining of students with disabilities are rare.
- When a weapons violation or other dangerous behavior is a factor in a due process hearing, it is usually one of a series of considerations rather than the central issue that has resulted in the dispute.
- Court injunctions to remove dangerous students from school pending consideration of a change of placement are exceedingly rare.

Two findings are particularly germane to the reauthorization of the Individuals with Disabilities Education Act. First, students with disabilities are disciplined frequently, and at rates exceeding their proportions in the total school population. All available data on this topic point in the same direction. This finding indicates that school officials' hands are not tied when it comes to addressing misconduct by special education students. When misconduct occurs, current legal protections afforded students with disabilities do not prevent, and may not even inhibit, a course of discipline that is the same as the course for nondisabled students. The one exception may be in the area of expulsions, although available data in this area are clouded by the differing ways jurisdictions define expulsion, especially for special education students.

The second finding especially relevant to the IDEA reauthorization is that school systems are not burdened excessively by due process hearings or the need for court injunctions in dealing with students with disabilities who are dangerous. Although the number of due process procedures overall varies greatly from jurisdiction to jurisdiction, in no state or district were such proceedings frequently devoted to issues of misconduct or discipline. Nor did any jurisdictions report the need for more than a rare use (less than once a year), if any, of a court order to remove a special education student from school because a parent or guardian refused to agree to a change in placement when a student posed a danger to others.

Additional Data Collection and Analysis

Formulating specific recommendations for additional data collection is beyond the scope of this study. As a result of the experience of analyzing findings for this study, however, the following suggestions can be made:

- Policymakers would do well to examine the experiences of the few states and districts that have already established data collection procedures. These experiences highlight both the potential and the challenges associated with such an endeavor.

- Standardization of data collection across jurisdictions would be enhanced if data collection focused on incidents of misconduct rather than disciplinary actions. Although the number of disciplinary actions is the statistic that school systems now typically collect, the variation in the application of discipline is so great that measuring the problem through that perspective makes the collection of comparable data virtually impossible. On the other hand, acts of misconduct can be defined relatively precisely, allowing better standardization as well as ensuring that the level of misconduct is recorded even if discipline is applied differentially to students with disabilities.

- Planners should focus reporting requirements on serious misconduct. Including less serious, but more frequent, problems places a burden on the system while providing little important information to policymakers.

- With regard to weapons incidents, to understand the true severity of the problem, policymakers should know whether weapons incidents involve, for example, loaded guns, unloaded guns, toy guns, knives, sticks, rocks, or pencils. Additionally, policymakers may wish to distinguish between weapons that are brandished and those that are simply found in the possession of students. Thus data collection efforts should include types of weapons and whether they were used.

- Misconduct records should be linked to individual student records. This link would ensure that policymakers have sufficient flexibility in conducting analyses as new policy questions arise and would enable them to consider multiple variables in developing appropriate plans for addressing problems in the future.

- Policymakers should be interested in the differences in suspension and expulsion rates across jurisdictions for students with disabilities, particularly whether these differences relate to the nature or quality of special education services. Potential areas for study include (1) the appropriateness of the educational services for students with disabilities who are disruptive, (2) the extent to which schools are using behavior management plans with potentially disruptive students, (3) the usefulness of behavior management plans in decreasing violence or serious misconduct, and (4) the extent to which manifestation determinations have allowed or limited disciplinary actions.

Appendix A: Data Tables

State Tables
District Tables
OCR Table

Section 1: State Tables

ALASKA

Table 1. Expulsions for Bringing Weapons to School, Alaska: 1994-95

Students		Expulsions for Weapons
All students		63
Students with disabilities[1]	Number	9[2]
	Percent of all expelled students	14.3%

[1] Students with disabilities represented 11.6 percent of Alaska's total enrollment.

[2] In an additional 4 cases, students with disabilities brought weapons to school but were not expelled because their behavior was determined to be related to their disability. All general education students who brought weapons to school were expelled.

Source: Alaska Department of Education, Division of Educational Program Support.

- Combining the 9 expelled students and the 4 non-expelled students, 13 students with disabilities brought weapons to school in the past school year, accounting for 20.6 percent of all weapon incidents in the Alaskan schools.

DELAWARE

Table 2. Suspensions by Reason, Delaware: 1993-94 and 1994-95

Students			Suspensions by Reason										
			Disruption	Simple Assault	Offensive Touching	Fighting	Aggravated Assault; Assault/ Battery	Extortion	Vandalism	Possession/ Concealing of Weapons	Sexual Assault/ Attempted Rape/Rape	Other	TOTAL
1993-1994	All students		2,532	776	1,216	3,371	289	30	100	375	23	11,953	20,665
	Students with disabilities[1]	Number of suspensions	337	179	262	491	26	2	13	42	3	1,254	2,609
		Percent of all suspensions	13.3%	23.1%	21.5%	14.6%	9.0%	6.7%	13.0%	11.2%	13.0%	10.5%	12.6%
1994-1995	All students		2,823	702	1,354	4,010	139	28	137	336	15	15,813	25,357
	Students with disabilities[1]	Number of suspensions	708	218	411	985	42	11	35	80	3	3,285	5,778
		Percent of all suspensions	25.1%	31.1%	30.4%	24.6%	30.2%	39.3%	25.5%	23.8%	20.0%	20.8%	22.8%

[1] Students with disabilities represented 11.9 percent of Delaware's total enrollment for 1993-94 and 1994-95.

Note: Table presents number of suspensions, not number of students suspended; some students were suspended more than once.

Source: Delaware Department of Public Instruction.

- For 1993-94, the proportion of total suspensions in Delaware that were for students who were disabled was approximately the same as their proportion of total enrollment.

Table 2. Suspensions by Reason, Delaware: 1993-94 and 1994-95 (continued)

- For 1993-94, students with disabilities were highly over represented in the reason-for-suspension categories of *simple assault* and *offensive touching*.

- For 1994-95, the proportion of total suspensions in Delaware that were for students who were disabled was nearly double their proportion of total enrollment.

- For 1994-95, students with disabilities were highly over represented in all reason-for-suspension categories; they represented over 30 percent of students suspended for simple assault, offensive touching, aggravated assault, and extortion.

- From 1993-94 to 1994-95, the total number of suspensions in Delaware increased by 4,692 (22.7 percent); the number of suspensions of students with disabilities increased by 3,116 (121.5 percent). Students with disabilities accounted for 66.4 percent of the increase in suspensions.

- From 1993-94 to 1994-95, the percentage of suspended students who were students with disabilities increased by 10.2 points (from 12.6 to 22.8 percent).

Table 3. Percentage of All Students Suspended Who Were Students with Disabilities, by Disability Category, Delaware: 1993-94

Students with Disabilities			Suspensions by Reason										
			Disruption	Simple Assault	Offensive Touching	Fighting	Aggravated Assault; Assault/ Battery	Extortion	Vandalism	Possession/ Concealing of Weapons	Sexual Assault/ Attempted Rape/Rape	Other	TOTAL
Disability category	Educable mentally handicapped	Number of suspensions	31	24	27	47	2	0	1	2	0	72	206
		Percent all suspensions	1.2%	3.1%	2.2%	1.4%	0.7%	0.0%	1.0%	0.5%	0.0%	0.6%	1.0%
	Seriously emotionally disturbed	Number of suspensions	42	14	37	75	9	0	3	8	0	210	398
		Percent all suspensions	1.7%	1.8%	3.0%	2.2%	3.1%	0.0%	3.0%	2.1%	0.0%	1.8%	1.9%
	Learning disabled	Number of suspensions	258	129	179	354	14	0	8	31	3	900	1,876
		Percent all suspensions	10.2%	16.6%	14.7%	10.5%	4.8%	0.0%	8.0%	8.3%	13.0%	7.5%	9.1%
	Trainable mentally handicapped	Number of suspensions	1	0	0	1	0	0	0	0	0	5	7
		Percent all suspensions	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Physically impaired	Number of suspensions	5	3	2	4	1	1	1	1	0	17	35
		Percent all suspensions	0.2%	0.4%	0.2%	0.1%	0.3%	3.3%	1.0%	0.3%	0.0%	0.1%	0.2%
	Partially deaf	Number of suspensions	0	5	13	0	0	1	0	0	0	12	31
		Percent all suspensions	0.0%	0.6%	1.1%	0.0%	0.0%	3.3%	0.0%	0.0%	0.0%	0.1%	0.2%

Table 3. Percentage of All Students Suspended Who Were Students with Disabilities, by Disability Category, Delaware: 1993-94 (continued)

Students with Disabilities			Suspensions by Reason										
			Disruption	Simple Assault	Offensive Touching	Fighting	Aggravated Assault; Assault/ Battery	Extortion	Vandalism	Possession/ Concealing of Weapons	Sexual Assault/ Attempted Rape/Rape	Other	TOTAL
Disability category	Speech	Number of suspensions	0	4	4	10	0	0	0	0	0	8	26
		Percent all suspensions	0.0%	0.5%	0.3%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.1%
	Traumatic brain injury	Number of suspensions	0	0	0	0	0	0	0	0	0	2	2
		Percent all suspensions	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Note: This table shows the number of suspensions for students with disabilities and the percentage of all suspensions (for students with and without disabilities) that these numbers represent. For example, students who were identified as educable mentally handicapped were suspended 31 times for disruption, and this number represented 1.2 percent of all suspensions for that offense for all students. The table presents number of suspensions, not number of students suspended; some students were suspended more than once.

Source: Delaware Department of Public Instruction.

- 1,876 students with learning disabilities in Delaware were suspended for all reasons. This represented 9.1 percent of all suspensions (including suspensions for students with and without disabilities), which exceeds the proportion of students with learning disabilities in the overall student population.

Table 4. Percentage of All Students Suspended Who Were Students with Disabilities, by Disability Category, Delaware: 1994-95

Students with Disabilities			Suspensions by Reason										
			Disruption	Simple Assault	Offensive Touching	Fighting	Aggravated Assault; Assault/ Battery	Extortion	Vandalism	Possession/ Concealing of Weapons	Sexual Assault/ Attempted Rape/Rape	Other	TOTAL
Disability category	Educable mentally handicapped	Number of suspensions	40	20	39	79	4	1	1	4	0	265	453
		Percent all suspensions	1.4%	2.8%	2.9%	2.0%	2.9%	3.6%	0.7%	1.2%	0.0%	1.7%	1.8%
	Seriously emotionally disturbed	Number of suspensions	131	44	48	154	3	2	7	9	0	532	930
		Percent all suspensions	4.6%	6.3%	3.5%	3.8%	2.2%	7.1%	5.1%	2.7%	0.0%	3.4%	3.7%
	Learning disabled	Number of suspensions	503	140	291	698	34	8	25	58	3	2,369	4,129
		Percent all suspensions	17.8%	19.9%	21.5%	17.4%	24.5%	28.6%	18.2%	17.3%	20.0%	15.0%	16.3%
	Trainable mentally handicapped	Number of suspensions	1	5	14	2	0	0	0	0	0	18	40
		Percent all suspensions	0.0%	0.7%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.2%
	Severely mentally handicapped	Number of suspensions	0	0	1	1	0	0	0	0	0	1	3
		Percent all suspensions	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Physically impaired	Number of suspensions	21	2	5	25	0	0	2	5	0	56	116
		Percent all suspensions	0.7%	0.3%	0.4%	0.6%	0.0%	0.0%	1.5%	1.5%	0.0%	0.4%	0.5%
	Partially deaf	Number of suspensions	3	3	8	3	1	0	0	2	0	20	40
		Percent all suspensions	0.1%	0.4%	0.6%	0.1%	0.7%	0.0%	0.0%	0.6%	0.0%	0.1%	0.2%

Table 4. Percentage of All Students Suspended Who Were Students with Disabilities, by Disability Category, Delaware: 1994-95 (continued)

Students with Disabilities			Suspensions by Reason										
			Disruption	Simple Assault	Offensive Touching	Fighting	Aggravated Assault; Assault/ Battery	Extortion	Vandalism	Possession/ Concealing of Weapons	Sexual Assault/ Attempted Rape/Rape	Other	TOTAL
Disability category	Blind	Number of suspensions	0	0	0	2	0	0	0	0	0	1	3
		Percent all suspensions	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Partially sighted	Number of suspensions	1	0	0	0	0	0	0	1	0	2	4
		Percent all suspensions	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%	0.0%	0.0%	0.0%
	Autistic	Number of suspensions	0	0	0	0	0	0	0	0	0	1	1
		Percent all suspensions	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Speech	Number of suspensions	8	4	5	21	0	0	0	1	0	20	59
		Percent all suspensions	0.3%	0.6%	0.4%	0.5%	0.0%	0.0%	0.0%	0.3%	0.0%	0.1%	0.2%

Note: This table shows the number of suspensions for students with disabilities and the percentage of all suspensions (those for students with and without disabilities) that these numbers represent. For example, students who were identified as educable mentally handicapped were suspended 40 times for disruption, and this number represented 1.4 percent of all suspensions for that offense for all students. The table presents number of suspensions, not number of students suspended; some students were suspended more than once.

Source: Delaware Department of Public Instruction.

- Delaware students with learning disabilities were suspended 4,129 times in 1994-95, which represented 16.3 percent of all suspensions (including suspensions for students with and without disabilities). This was an increase for students with learning disabilities of 2,253 suspensions (120 percent) over 1993-94.

Table 4. Percentage of All Students Suspended Who Were Students with Disabilities, by Disability Category, Delaware: 1994-95 (continued)

- From 1993-94 to 1994-95, similar dramatic increases in suspensions occurred for other disability categories: trainable mentally handicapped increased from 7 to 40 (471.4 percent); physically impaired increased from 35 to 116 (231.4 percent); seriously emotionally disturbed increased from 398 to 930 (133.7 percent); educable mentally handicapped increased from 206 to 453 (119.9 percent).

DISTRICT OF COLUMBIA

Table 5. Suspensions for Major Violations, District of Columbia: 1994-95

Students		Suspensions for Major Violations (Gun, Knife, and Drug Offenses)
All students		218
Students with disabilities[1]	Number	14[2]
	Percent of all suspended students	6.4%

[1] Students with disabilities represented approximately 7.3 percent of total enrollment.

[2] For students with disabilities, 11 of these suspensions were for weapons violations and 3 were for drug violations; breakout by specific offenses not available for all students.

Source: District of Columbia Public Schools, Student Hearing Office.

- Students with disabilities were slightly less likely than general education students to be suspended for gun, knife, and drug violations.

FLORIDA

Table 6. Disciplinary Actions, Florida: 1993-94 and 1994-95

Students			Enrollment	Disciplinary Action				
				Corporal Punishment	In-School Suspensions	Out-of-School Suspensions	Expulsions	TOTAL
1993-94	All students		2,005,009	14,672	199,963	183,655	725	399,015
	Students with disabilities	Number	261,180	3,385	36,224	41,906	76	81,591
		Percent	13.0%	23.1%	18.1%	22.8%	10.5%	20.4%
1994-95	All students		2,062,674	13,900	217,170	192,841	1,168	425,079
	Students with disabilities	Number	272,796	3,065	38,648	43,165	155	85,033
		Percent	13.2%	22.1%	17.8%	22.4%	13.3%	20.0%

Source: Florida Department of Education, Division of Public Schools.

- Students with disabilities received corporal punishment, in-school suspensions, and out-of-school suspensions at rates much higher than their percentage in the overall population.

- In 1993-94, students with disabilities were expelled at rates somewhat lower than their percentage of the overall enrollment. In 1994-95, students with disabilities were expelled at rates approximately equal to their percentage in the total student population.

Table 7. Percentage of All Disciplinary Actions Received by Students With Disabilities, by Disability, Florida: 1993-94

Students with Disabilities			Enrollment	Disciplinary Action				
				Corporal Punishment	In-School Suspension	Out-of-School Suspension	Expulsion	TOTAL
Disability category	Specific learning disabled	Number	104,944	1,643	21,874	20,733	44	44,294
		Percent	5.2%	11.2%	10.9%	11.3%	6.1%	11.1%
	Speech/ language impaired	Number	90,342	483	2,810	2,932	6	6,231
		Percent	4.5%	3.3%	1.4%	1.6%	0.8%	1.6%
	Mentally retarded	Number	27,714	442	3,297	4,285	8	8,032
		Percent	1.4%	3.0%	1.6%	2.3%	1.1%	2.0%
	Seriously emotionally disturbed	Number	29,704	808	7,906	13,454	18	22,186
		Percent	1.5%	5.5%	4.0%	7.3%	2.5%	5.6%
	Hearing impaired	Number	2,271	5	158	172	0	335
		Percent	0.1%	0.0%	0.1%	0.1%	0.0%	0.1%
	Orthopedically impaired	Number	4,358	4	162	281	0	447
		Percent	0.2%	0.0%	0.1%	0.2%	0.0%	0.1%

Table 7. Percentage of All Disciplinary Actions Received by Students with Disabilities, by Disability, Florida: 1993-94 (continued)

Students with Disabilities			Enrollment	Disciplinary Action				
				Corporal Punishment	In-School Suspension	Out-of-School Suspension	Expulsion	TOTAL
Disability category	Visually impaired	Number	953	0	14	43	0	57
		Percent	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Autistic	Number	857	0	1	2	0	3
		Percent	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Deaf-Blind	Number	16	0	0	0	0	0
		Percent	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Traumatic brain injured	Number	21	0	2	4	0	6
		Percent	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Source: Florida Department of Education, Division of Public Schools.

- Students with learning disabilities received corporal punishment and suspensions at rates more than twice as high as their percentage of the overall enrollment. Their rate of expulsion, however, was only slightly higher than their percentage of the total enrollment.

- Students with mental retardation received corporal punishment at rates more than twice as high as their percentage in the overall student population.

- Seriously emotionally disturbed students received corporal punishment at rates over three-and-one-half times as high as their percentage of the student enrollment. They received in-school suspensions at rates more than two times their percentage of the overall enrollment, and they received out-of-school suspensions at rates almost five times higher than their percentage of the total enrollment.

Table 8. Percentage of All Disciplinary Actions Received by Students With Disabilities, by Disability, Florida: 1994-95

Students with Disabilities			Enrollment	Disciplinary Action				
				Corporal Punishment	In-School Suspension	Out-of-School Suspension	Expulsion	TOTAL
Disability category	Specific learning disabled	Number	112,558	1,467	23,379	21,865	123	46,834
		Percent	5.5%	10.6%	10.8%	11.3%	10.5%	11.0%
	Speech/ language impaired	Number	88,755	429	2,606	2,866	4	5,905
		Percent	4.3%	3.1%	1.2%	1.5%	0.3%	1.4%
	Mentally retarded	Number	30,420	458	3,651	4,572	9	8,690
		Percent	1.5%	3.3%	1.7%	2.4%	0.8%	2.0%
	Seriously emotionally disturbed	Number	31,595	697	8,664	13,340	16	22,717
		Percent	1.5%	5.0%	4.0%	6.9%	1.4%	5.3%
	Hearing impaired	Number	2,399	3	150	168	0	321
		Percent	0.1%	0.0%	0.1%	0.1%	0.0%	0.1%
	Orthopedically impaired	Number	4,694	8	134	183	2	327
		Percent	0.2%	0.1%	0.1%	0.1%	0.2%	0.1%
	Other health impaired	Number	288	2	52	114	1	486
		Percent	0.0%	0.0%	0.0%	0.1%	0.1%	0.1%

Table 8. Percentage of All Disciplinary Actions Received by Students with Disabilities, by Disability, Florida: 1994-95 (continued)

Students with Disabilities			Enrollment	Disciplinary Action				
				Corporal Punishment	In-School Suspension	Out-of-School Suspension	Expulsion	TOTAL
Disability category	Visually impaired	Number	945	1	12	46	0	59
		Percent	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Autistic	Number	1,042	0	0	5	0	5
		Percent	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%
	Deaf-Blind	Number	20	0	0	0	0	0
		Percent	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Traumatic brain injured	Number	80	0	0	6	0	6
		Percent	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Source: Florida Department of Education, Division of Public Schools.

- Students with learning disabilities received corporal punishment, suspensions, and expulsions at rates approximately twice as high as their percentage of the overall enrollment.

- Students with mental retardation received corporal punishment at rates more than twice as high as their percentage in the overall student population.

- Seriously emotionally disturbed students received out-of-school suspensions at rates over four-and-one-half times as high as their percentage of the student enrollment. They received in-school suspensions at rates more than twice their percentage of the overall enrollment, and they received corporal punishment at rates more than three times higher than their percentage of the total enrollment.

Table 9. Percentage of Students with Disabilities Exiting School via Expulsion, by Disability Category, Indiana: 1993-94

Students with Disabilities		Enrollment		Exiting via Expulsion	
		Number	Percent of all students with disabilities	Number	Percent of expelled students with disabilities
Disability category	All	127,079	100.0%	80	100.0%
	Emotionally handicapped	7,709	6.1%	11	13.8%
	Learning disabled	50,166	39.5%	47	58.8%
	Mildly mentally handicapped	15, 725	12.4%	22	27.5%

Source: Indiana Department of Education, Division of Special Education.

- Students from only three disability categories exited school via expulsion. Students with emotional handicaps and students with mild mental handicaps exited school via expulsion at rates more than double their percentage among all students with disabilities. Students with learning disabilities exited school via expulsion at a rate approximately 50 percent greater than their percentage among all students with disabilities.

Table 10. Expulsions and Incarcerations for Students with Disabilities by Age, Indiana: 1993-94

Students with Disabilities		Reasons for School Exit	
		Expulsion	Incarceration
Age	14	7	15
	15	12	27
	16	17	42
	17	16	20
	18	14	13
	19	12	5
	20	1	0
	21	0	0
	22	1	0
	TOTAL	80	122

Note: Table reports data collected on students exiting special education services.

Source: Indiana Department of Education, Division of Special Education.

- Fifty percent more students with disabilities exited school through incarceration than through expulsion.

KANSAS

Table 11. Violent Acts Committed by Students at School, Kansas: 1993-94

Students		Violent Acts	
		Against Students	Against Teachers
All students		10,998	495
Students with disabilities[1]	Males	1,610	204
	Females	225	37
	All	1,835	241
	Percent of all acts	16.7%	48.7%

[1] Students with disabilities represented 9.1 percent of Kansas's total enrollment.

Source: Kansas State Board of Education.

- Students with disabilities committed a disproportionate number of violent acts against fellow students.
- Although violent acts against teachers were much less common than acts against students, students with disabilities committed an overwhelmingly disproportionate number of these acts. Students with disabilities represented less than 10 percent of total enrollment but committed almost 50 percent of violent acts against teachers.

KANSAS

Table 12. Three Most Recent Suspensions/Expulsions Per School, Results of a Kansas Department of Education Census: 1994-95

Students		Suspensions/Expulsions by Reason for Three Most Recent Actions per School												
		Assaulting Staff	Assaulting Students	Disrespect/ Disobedience	Fighting	Gang Activity	Gun	Knife	Vandalism/ Theft	Sexual Harassment	Threatening Staff/ Students	Alcohol/ Drugs	Other	TOTAL
All students		24	94	392	236	4	20	18	66	8	19	62	146	1,089
Students with disabilities[1]	Number	10	29	102	48	0	6	6	19	2	9	11	32	274
	Percent of all actions	41.7%	30.9%	26.0%	20.3%	0.0%	30.0%	33.3%	28.8%	25.0%	47.4%	17.7%	21.9%	25.2%

[1] Students with disabilities represented 11 percent of Kansas's total enrollment.

Note: Table presents actual counts reported by principals who were asked to provide information on the three most recent disciplinary actions in their schools.

Source: "Suspension/Expulsion of Regular and Special Education Students in Kansas: A Report to the Kansas State Board of Education."

- The proportion of suspensions and expulsions for students with disabilities was over twice as large as the proportion of students with disabilities in the total enrollment.
- Students with disabilities were especially over represented in the reason categories of assaulting staff and threatening staff and students.

LOUISIANA

Table 13. Suspensions by Reason, Louisiana: 1993-94

Students		All Suspensions	Suspensions by Reason[1]								
			Weapons	Fighting	Causing Injury	Threatening	Vandalism	Drugs/ Alcohol	Indecent Behavior/ Molestation	Disturbing Class	Habitual Violation of Rules
All students		93,019	1,328	38,514	3,662	3,668	1,304	1,304	2,033	18,156	17,555
Students with disabilities in self-contained classrooms[2]	Males	4,535	103	2,334	303	427	72	74	194	937	987
	Females	947	12	452	34	56	3	13	21	119	134
	All	5,482	115	2,786	337	483	75	87	215	1,056	1,121
	Percent of all suspensions	5.9%	8.7%	7.2%	9.2%	13.2%	5.8%	6.7%	10.6%	5.8%	6.4%

[1] Louisiana reported a total of 21 reasons for suspension or expulsion; this table covers more serious offenses. Some suspensions involved multiple offenses.

[2] Suspension data on students with disabilities only available for self-contained classrooms; 3.0 percent of students in Louisiana were served in self-contained special education classrooms.

Note: This table reports number of students suspended, not number of suspensions; some students were suspended more than once.

Source: Louisiana State Department of Education.

- Students with disabilities in self-contained classrooms accounted for a percentage of suspensions (5.9 percent) that was almost twice as high as their percentage of the total enrollment (3.0 percent). They were particularly over represented in the reason-for-suspension categories of *threatening, indecent behavior/molestation, causing injury*, and *weapons*.

Table 14. Expulsions by Reason, Louisiana: 1993-94

Students		All Expulsions	Expulsions by Reason[1]								
			Weapons	Fighting	Causing Injury	Threatening	Vandalism	Drugs/ Alcohol	Indecent Behavior/ Molestation	Disturbing Class	Habitual Violation of Rules
All students		5,033	701	1,170	390	362	90	277	93	680	888
Students with disabilities in self-contained classrooms[2]	Males	229	34	53	14	33	3	4	10	27	53
	Females	23	5	1	3	4	0	2	2	1	3
	All	252	39	54	17	37	3	6	12	28	56
	Percent of all expulsions	5.0%	5.6%	4.6%	4.4%	10.2%	3.3%	2.2.%	12.9%	4.1%	6.3%

[1] Louisiana reported a total of 21 reasons for suspension or expulsion; this table covers more serious offenses. Some expulsions involved multiple offenses.

[2] Expulsion data on students with disabilities only available for self-contained classrooms; 3.0 percent of students in Louisiana were served in self-contained special education classrooms.

Source: Louisiana State Department of Education.

- Students with disabilities in self-contained classrooms were expelled at a rate greater than their proportion of the total enrollment, but the differential was not as great for expulsions as it was for suspensions.
- Expulsions were particularly high in the reason-for-expulsion categories of *threatening* and *indecent behavior/molestation*.

MARYLAND

Table 15. Expulsions, Maryland: 1993-94

Students		Enrollment	Expulsions
All students		753,379	1,334
Students with disabilities	Number	82,213	9[1]
	Percent of all expelled students	10.9%	0.7%

[1] Expelled students with disabilities included 7 with specific learning disabilities, 1 with mental retardation, and 1 with a speech/language disability.

Source: Maryland State Department of Education, Division of Planning, Results and Information Management.

- Very few students with disabilities were expelled in Maryland.

MASSACHUSETTS

Table 16. Long-term Suspensions, Massachusetts: 1993-94

Students		Suspensions of 10 or More Days
All students		958
Students with disabilities[1]	Number suspended	247
	Percent of all suspended students	25.8%

[1] Students with disabilities represented 17 percent of Massachusetts's total enrollment.

Source: Massachusetts State Department of Education.

- Students with disabilities accounted for over one quarter of all suspensions of 10 days or longer in Massachusetts.

NORTH CAROLINA

Table 17. Suspensions and Expulsions of Students with Disabilities, North Carolina: 1993-94

Students with Disabilities	Enrollment	All Suspensions and Expulsions	Suspensions and Expulsions by Length					
			Suspensions, 1-10 Days		Suspensions, > 10 Days		Expulsions	
			Number	Percent of Suspensions/ Expulsions	Number	Percent of Suspensions/ Expulsions	Number	Percent of Suspensions/ Expulsions
Students with disabilities	132,154	17,527	15,438	88.1%	1,816	10.4%	273	1.6%

Note: Table reports number of disciplinary actions, not number of students disciplined.

Source: North Carolina Department of Public Instruction.

- The large majority of disciplinary actions against students with disabilities in North Carolina were short-term suspensions, yet 12 percent of disciplinary actions were long-term suspensions or expulsions.

Table 18. Suspensions and Expulsions of Students with Disabilities by Disability, North Carolina: 1993-94

Students with Disabilities		Enrollment		Suspensions		Expulsions	
		Number	Percent of Students with Disabilities	Number	Percent of Suspensions	Number	Percent of Expulsions
Disability category	All disabilities	132,154	100.0%	17,254	100%	273	100.0%
	Behaviorally-emotionally handicapped	9,660	7.3%	4,590	26.6%	46	16.9%
	Hearing impaired	2,109	1.6%	150	0.9%	3	1.1%
	Speech-language impaired	34,538	26.1%	447	2.6%	14	5.1%
	Visually impaired	692	0.5%	26	0.2%	0	0.0%
	Physically handicapped	1,149	0.9%	30	0.2%	0	0.0%
	Other health impaired	3,606	2.7%	341	2.0%	5	1.8%
	Deaf-blind	18	0.0%	2	0.0%	0	0.0%
	Multihandicapped	1,275	1.0%	23	0.1%	0	0.0%
	Autistic	1,128	0.9%	12	0.1%	0	0.0%
	Traumatic brain injured	87	0.1%	13	0.1%	0	0.0%
	Specific learning disabled	55,060	41.7%	8,532	49.4%	175	64.1%
	Educable mentally handicapped	18,539	14.0%	3,006	17.4%	30	11.0%
	Severely-profoundly mentally handicapped	1,003	0.8%	2	0.0%	0	0.0%
	Trainable mentally handicapped	3,290	2.5%	80	0.5%	0	0.0%

Note: Table reports number of disciplinary actions, not number of students disciplined.

Source: North Carolina Department of Public Instruction.

Table 18. Suspensions and Expulsions of Students with Disabilities, by Disability, North Carolina: 1993-94 (continued)

- Students who were behaviorally-emotionally handicapped were over represented in expulsions and greatly over represented in suspensions.
- Students who were learning disabled were over represented in suspensions and greatly over represented in expulsions.

OHIO

Table 19. Disciplinary Actions, Ohio: 1993-94

Students		Disciplinary Actions				
		Corporal Punishment	In-School Suspension	Out-of-School Suspension	Expulsion	TOTAL
All students	Number of actions	3,077	187,977	230,863	5,460	427,377
	Number of students	1,885	86,820	111,982	5,460	206,147
Students with disabilities[1]	Number of actions	710	29,990	41,320	327	72,347
	Percent of all actions	23.1%	16.0%	17.9%	6.0%	16.9%
	Number of students	436	13,007	19,587	327	33,357
	Percent of all students	23.1%	15.0%	17.5%	6.0%	16.2%

[1] Students with disabilities represented 10.6 percent of Ohio's total enrollment.

Source: Ohio Department of Education, Division of Information Management Services.

- Students with disabilities received a percentage of corporal punishment, in-school suspension, and out-of-school suspensions far greater than their percentage of Ohio's total enrollment.
- In contrast, students with disabilities were expelled at a rate far lower than their percentage of total enrollment.

Table 20. Expulsions by Reason, Ohio: 1993-94

Students		Reasons for Expulsion									
		Truancy	Behavioral	Fighting	Vandalism	Alarms/ Bomb Threats	Weapons	Drugs/ Alcohol	Sale/ Distribution Weapon	Sale/ Distribution Drugs/ Alcohol	TOTAL
All students		1,513	2,114	723	103	47	490	374	20	76	5,460
Students with disabilities[1]	Number	86	104	47	12	4	41	27	2	4	327
	Percent of all expelled students	5.7%	4.9%	6.5%	11.7%	8.5%	8.3%	7.2%	10.0%	5.3%	6.0%

[1] Students with disabilities represented 10.6 percent of Ohio's total enrollment.

Source: Ohio Department of Education, Division of Information Management Services.

- For students in Ohio who were expelled for vandalism or sale/distribution of a weapon, the percentage who were students with disabilities was approximately the same as the percentage of students with disabilities in the total enrollment; for the other reason categories, the percentage of expelled students who were students with disabilities was smaller than the percentage of students with disabilities in the total enrollment.

Table 21. Percentage of All Students Expelled Who Were Students with Disabilities, by Disability Category, Ohio: 1993-94

Students with disabilities			Expulsions by Reason									
			Truancy	Behavioral	Fighting	Vandalism	Alarms/ Bomb Threats	Weapons	Drugs/ Alcohol	Sale/ Distribution Weapon	Sale/ Distribution Drugs/ Alcohol	TOTAL
Disability category	Multihandicapped	Number of expulsions	1	0	0	1	0	0	0	0	0	2
		Percent all expulsions	0.1%	0.0%	0.0%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Hearing handicapped	Number of expulsions	2	2	0	0	0	1	1	0	0	6
		Percent all expulsions	0.1%	0.1%	0.0%	0.0%	0.0%	0.2%	0.3%	0.0%	0.0%	0.1%
	Speech handicapped	Number of expulsions	2	8	3	3	0	2	0	0	0	18
		Percent all expulsions	0.1%	0.4%	0.4%	2.9%	0.0%	0.4%	0.0%	0.0%	0.0%	0.3%
	Other health handicapped	Number of expulsions	13	5	2	0	0	2	0	0	0	22
		Percent all expulsions	0.9%	0.2%	0.3%	0.0%	0.0%	0.4%	0.0%	0.0%	0.0%	0.4%
	Severe behavior handicapped	Number of expulsions	7	21	6	2	0	6	5	0	0	47
		Percent all expulsions	0.5%	1.0%	0.8%	1.9%	0.0%	1.2%	1.3%	0.0%	0.0%	0.9%
	Developmentally handicapped	Number of expulsions	7	18	11	0	2	4	3	0	0	45
		Percent all expulsions	0.5%	0.9%	1.5%	0.0%	4.3%	0.8%	0.8%	0.0%	0.0%	0.8%
	Specific learning disabled	Number of expulsions	54	50	24	6	2	26	18	2	4	186
		Percent all expulsions	3.6%	2.4%	3.3%	5.8%	4.3%	5.3%	4.8%	10.0%	5.3%	3.4%

Source: Ohio Department of Education, Division of Information Management Services.

Table 21. Percentage of All Students Expelled Who Were Students with Disabilities, by Disability Category, Ohio: 1993-94 (continued)

- Students with specific learning disabilities accounted for 10 percent of all expulsions in Ohio for sale/distribution of a weapon, while no students with severe behavior handicaps were expelled for that reason.

PENNSYLVANIA

Table 22. Suspensions of Students with Disabilities, Pennsylvania: 1993-94:

Students with Disabilities	Enrollment	All Suspensions		Suspensions by Length							
				1-10 Days		11-20 Days		21-100 Days		> 100 Days	
		Number of Students	Percent of Enrollment	Number	Percent of All Suspensions	Number	Percent of All Suspensions	Number	Percent of All Suspensions	Number	Percent of All Suspensions
Students with disabilities	204,059	2,032	1%	1,772	87.2%	201	9.9%	50	2.5%	9	0.4%

Note: Table reports number of students suspended and cumulative days of suspension per student, not actual number of suspensions.

Source: Pennsylvania Department of Education, Bureau of Special Education.

- Although the majority of students with disabilities in Pennsylvania were suspended for 10 or fewer days, almost 13 percent of suspended students with disabilities were out of school for more than 10 days.

Table 23. Expulsions for Criminal and Noncriminal Behavior, Texas: 1994-95

Students		Enrollment	Expulsions by Reason		
			Criminal Behavior	Noncriminal Behavior	TOTAL
All students		3,677,171	631	926	1,557
Students with disabilities	Number	412,634	64	73	137
	Percent of all students	11.2%	10.1%	7.9%	8.8%

Source: Texas Education Agency's Public Education Information Management System.

- Students with disabilities were expelled in significant numbers for both criminal and noncriminal behaviors.
- Students with disabilities were slightly under represented in both categories of expulsion.

Table 24. Percentage of All Students Expelled Who Were Students with Disabilities, by Category, Texas: 1994-95

Students with Disabilities			Reasons for Expulsion		
			Criminal Behavior	Noncriminal Behavior	All Reasons
Disability category	Auditorially handicapped	Number of expulsions	1	0	1
		Percent all expulsions	0.2%	0.0%	0.1%
	Emotionally disturbed	Number of expulsions	13	7	20
		Percent all expulsions	2.1%	0.8%	1.3%
	Learning disabled	Number of expulsions	48	63	111
		Percent all expulsions	7.6%	6.8%	7.1%
	Orthopedically handicapped	Number of expulsions	1	1	2
		Percent all expulsions	0.2%	0.1%	0.1%
	Other health impaired	Number of expulsions	1	2	3
		Percent all expulsions	0.2%	0.2%	0.2%

Source: Texas Education Agency's Public Education Information Management System.

- Students who were learning disabled or emotionally disturbed represented the vast majority of students with disabilities who were expelled and a significant percentage (8.4 percent) of all students expelled in Texas.

WEST VIRGINIA

Table 25. Weapon Incidents in the Schools, West Virginia: 1994-95

Students		Weapon Incidents			
		Guns	Knives	Other	TOTAL
All students		60	174	58	292[2]
Students with disabilities[1]	Number	NA	NA	NA	82
	Percent of all incidents	NA	NA	NA	28.1%

[1] Students with disabilities represented approximately 12 percent of West Virginia's total enrollment.

[2] 44 of the 292 offenders were expelled; breakout by disability status not available.

Source: West Virginia Department of Education, Office of Student Services.

- Students with disabilities brought weapons to school at rates over twice as high as their percentage of the total enrollment.

Section 2: District Tables

TUCSON, ARIZONA

Table 26. Suspensions by Reason, Tucson Unified School District: 1994-95

Students		Suspensions by Reason[1]												
		Assault and Battery	Reckless Endangerment	Misconduct	Fighting	Aggravated Assault w/o Weapon	Aggravated Assault w/ Weapon	Possession of Weapon	Theft/ Vandalism	Sexual Misconduct/ Harassment	Robbery/ Extortion/ Arson	Alcohol/ Drugs	Other	TOTAL
All students		824	457	1,516	1,864	94	21	142	457	55	23	521	1,200	7,174
Students with disabilities[2]	Number	204	81	261	290	28	2	28	92	14	7	57	216	1,280
	Percent of all actions	24.8%	17.7%	17.2%	15.6%	29.8%	9.5%	19.7%	20.1%	25.5%	30.4%	10.9%	18.0%	17.8%

[1] Tucson reported a total of 34 reasons for suspension; this table covers more serious offenses and includes some combined reason categories.

[2] Students with disabilities represented 9.4 percent of Tucson's total enrollment.

Note: Table presents number of suspensions, not number of students suspended; some students were suspended more than once.

Source: Tucson Unified School District, Office of Exceptional Education.

- The proportion of suspensions for students with disabilities was almost twice as large as the proportion of students with disabilities in the total enrollment.
- Students with disabilities were over represented in every reason-for-suspension category except *aggravated assault with weapon*.

Table 27. Homebound Services for Students with Disabilities, Little Rock, Arkansas: 1994-95

Students with Disabilities	Enrollment	Students Receiving Homebound Services for Disciplinary Reasons	
		Number	Percent
Students with disabilities	1,999	30	1.5%

Note: Little Rock did not expel students with disabilities; assignment to homebound services was the disciplinary action reserved for the most serious offenders.

Source: Little Rock Public Schools.

- Serious disciplinary actions against students with disabilities were rare in Little Rock.

LOS ANGELES, CALIFORNIA

Table 28. Expellable Incidents and Expulsions, Los Angeles Unified School District: 1993-94

Students		Expellable Incidents	Specific Offenses Committed[1]									Total Expelled[2]
			Threat/ Injury	Weapon			Drugs	Vandalism	Other	Unknown	TOTAL	
				Gun	Knife	Other						
All students		800	140	191	229	46	237	19	37	0	899	570[3]
Students with disabilities	Number	91	16	16	23	4	22	2	4	13	100	50[3]
	Percent of all students	11.3%	11.4%	8.4%	10.0%	8.7%	9.3%	10.5%	10.8%	NA	11.1%	8.8%

[1] Some incidents involved multiple offenses.

[2] Number expelled includes "Suspended Enforcement" where the district continued to provide services.

[3] Ratio of *total expelled* to *expellable incidents* was .71 for all students and .55 for students with disabilities.

Note: Some numbers imprecise because of missing data.

Source: Los Angeles Unified School District, Information Technology Division.

- Los Angeles Unified School District expelled students with disabilities for a variety of offenses, but the ratio of expulsions to expellable acts committed was lower for students with disabilities than for nondisabled students.

Table 29. Expulsions, Aurora Public Schools: 1994-95

Students		Enrollment	Expulsions
All students		27,800	71
Students with disabilities	Number	3,287	14[1]
	Percent of all students	11.8%	19.7%

[1] Expelled students with disabilities included 8 with serious emotional disturbances and 6 with learning disabilities.

Source: Aurora Public Schools, Department of Student Services.

- Students with disabilities were expelled at rates considerably higher than their percentage in the overall student population.

DENVER, COLORADO

Table 30. Out-of-School Suspensions by Reason, Denver: 1994-95

Students		Out-of-School Suspensions by Reason											
		Detrimental Behavior	Educational Interference	Defiance	Destruction of School Property	Gang Activities	Deadly Weapons	Sale of Drugs	Substance Abuse	Robbery/ Assault	Toy Gun	Verbal Offense on Staff	TOTAL
All students		4,902	366	1,663	100	115	162	11	363	98	40	54	7,064
Students with disabilities[1]	Number of suspensions	891	76	382	14	34	34	2	76	33	9	16	1,567
	Percent all suspensions	18.2%	20.8%	23.0%	14.0%	29.6%	21.0%	18.2%	20.9%	33.7%	22.5%	29.6%	22.2%

[1] Students with disabilities represented approximately 11 percent of Denver's total enrollment.

Note: Table presents number of suspensions, not number of students suspended; some students were suspended more than once.

Source: Denver Public Schools, Department of Student Services.

- The proportion of total out-of-school suspensions in the Denver Public Schools for students with disabilities was approximately twice as high as their proportion of total enrollment.
- Students with disabilities were over represented in every reason-for-suspension category. They were most highly over represented in the categories of *robbery/assault, gang activities*, and *verbal offense on staff*.

Table 31. In-School Suspensions by Reason, Denver: 1994-95

Students		In-School Suspensions by Reason							
		Detrimental Behavior	Educational Interference	Defiance	Destruction of School Property	Gang Activities	Substance Abuse	Verbally Offensive to Staff	TOTAL
All students		964	183	777	10	12	3	3	1,952
Students with disabilities[1]	Number of suspensions	196	46	137	3	4	0	2	388
	Percent all suspensions	20.3%	25.1%	17.6%	30.0%	33.3%	0.0%	66.7%	19.8%

[1] Students with disabilities represented approximately 11 percent of Denver's total enrollment.

Note: Table presents number of suspensions, not number of students suspended; some students were suspended more than once.

Source: Denver Public Schools, Department of Student Services.

- For in-school suspensions, students with disabilities were over represented in all reason-for-suspension categories except *substance abuse*.

Table 32. Expulsion by Reason, Denver: 1994-95

Students		Expulsion by Reason									
		Detrimental Behavior	Educational Interference	Defiance	Destruction of School Property	Gang Activities	Deadly Weapons	Sale of Drugs	Robbery/ Assault	Verbal Offense on Staff	TOTAL
All students		11	1	13	1	10	23	1	12	2	74
Students with disabilities[1]	Number of expulsions	0	0	0	0	1	4	0	1	1	7[2]
	Percent all expulsions	0.0%	0.0%	0.0%	0.0%	10.0%	17.4%	0.0%	8.3%	50.0%	9.5%

[1] Students with disabilities represented approximately 11 percent of Denver's total enrollment.

[2] Expelled students included 2 students with emotional disabilities and 5 students with learning disabilities.

Note: All special education students expelled are expelled from regular education services only. They continue to receive special education services.

Source: Denver Public Schools, Department of Student Services.

- Very few students overall were expelled from the Denver Public Schools.
- Students with disabilities were expelled at a rate slightly lower than their percentage of the total enrollment.

Table 33. Suspensions by Reason, Poudre School District: 1994-95

Students		Enrollment	Suspensions by Reason				
			Detrimental Behavior	Deadly Weapons	Drugs or Controlled Substances	Other	TOTAL
All students		21,187	953	22	178	340	1,493
Students with disabilities	Number of suspensions	2,026	273	3	30	115	421
	Percent all suspensions	9.6%	28.6%	13.6%	16.9%	33.8%	28.2%

Note: Table presents number of suspensions, not number of students suspended; some students were suspended more than once.

Source: Poudre School District, Fort Collins, CO; Office of Pupil Services.

- Students with disabilities were suspended at rates almost three times as high as their percentage in the overall student population.
- Suspensions for *detrimental behavior* and *other* types of misconduct were much more common, for all students and for students with disabilities, than were suspensions for *deadly weapons* and *drugs or controlled substances*.

JEFFERSON COUNTY, COLORADO

Table 34. Suspensions and Expulsions, Jefferson County: 1994-95

Students		Enrollment	Suspensions	Expulsions
All students		85,723	7,117	280
Students with disabilities	Number	7,599	1,273	39
	Percent of all students	8.9%	17.9%	13.9%

Source: Jefferson County Public Schools, Office of Intervention Services.

- Students with disabilities were both suspended and expelled at rates higher than their percentage of the total enrollment.

ATLANTA, GEORGIA

Table 35. Suspensions and Expulsions, Atlanta Public Schools: 1993-94 and 1994-95

Students			Enrollment	Disciplinary Action	
				Suspensions	Expulsions
1993-94	All students		64,155	4,600	55
	Students with disabilities	Number	4,719	365	4
		Percent of all students	7.4%	7.9%	7.3%
1994-95	All students		64,442	4,316	42
	Students with disabilities	Number	4,959	313	3
		Percent of all students	7.7%	7.3%	7.1%

Source: Atlanta Public Schools, Office of Research and Evaluation.

- In 1993-94, the percentage of suspended students who were students with disabilities was slightly higher than their percentage of the total enrollment. In 1994-95, the percentage of suspended students who were students with disabilities was slightly lower than their percentage of the total enrollment.

- Although both the total enrollment and the enrollment of students with disabilities increased from 1993-94 to 1994-95, the overall number of suspensions and the percentage of suspended students who were students with disabilities decreased over that period.

Table 36. Suspensions, Gary Community School Corporation, Indiana: 1993-94 and 1994-95

Students			Enrollment	Suspensions
1993-94	All students		24,122	7,484
	Students with disabilities	Number	3,143	715
		Percent of all students	13.0%	9.6%
1994-95	All students		22,807	7,081
	Students with disabilities	Number	2,720	750
		Percent of all students	11.9%	10.6%

Source: Gary Community School Corporation; Planning, Evaluation, and Research Department.

- The percentage of suspended students who were students with disabilities was slightly lower than their percentage of the total student enrollment.
- Although the number of students with disabilities decreased from 1993-94 to 1994-95, the number of suspensions of students with disabilities increased over that period

DES MOINES, IOWA

Table 37. Suspensions by Reason, Des Moines Public Schools: 1994-95

			Total Enroll-ment	**All Suspen-sions**	**Reasons for Suspension[1]**										
					Violence or Violent Threats	Disruption	Disorderly Conduct	Insubordi-nation	Possession Dangerous Objects	Criminal or Illegal Behavior	Assault	Willful Injury	Threats	Sexual Harrass-ment	Drugs/ Alcohol
All students			30,138	12,447	869	3,193	1,002	2,278	187	20	1,209	59	38	143	553
Students with disabilities	Behavior disabilities	Number	756	1,073	101	271	77	189	23	3	125	7	5	22	37
		Percent	2.5%	8.6%	11.6%	8.5%	7.7%	8.3%	12.3%	15.0%	10.3%	11.9%	13.2%	15.4%	6.7%
	Learning disabilities	Number	1,456	1,206	95	269	110	203	21	1	140	4	8	10	51
		Percent	4.8%	9.7%	10.9%	8.4%	11.0%	8.9%	11.2%	5.0%	11.6%	6.8%	21.1%	7.0%	9.2%
	Mental disabilities	Number	908	522	46	126	46	104	14	0	63	9	2	8	79
		Percent	3.0%	4.2%	5.3%	3.9%	4.6%	4.6%	7.5%	0%	5.2%	15.3%	5.3%	5.6%	14.3%

[1] Des Moines Public Schools report 26 reasons for suspension; this table covers more serious offenses and includes some combined reason categories.

Note: Students with disabilities represent 11.6% of the total enrollment in the Des Moines Public Schools.

Source: Des Moines Public Schools.

Table 37. Suspensions by Reason, Des Moines Public Schools: 1994-95 (continued)

- Students with behavior disabilities were suspended at rates more than three times their percentage in the overall student population.

- Students with learning disabilities were suspended at rates twice as high as their percentage in the overall student population.

- Students with behavior disabilities were most highly over represented in the reason-for-suspension categories of *criminal behavior* and *sexual harassment*; students with learning disabilities were most highly over represented in the reason-for-suspension category of *threats*; and students with mental disabilities were most highly over represented in the categories of *willful injury* and *drugs/alcohol*. The absolute numbers of students suspended for each of these reasons, however, were relatively low.

WATERLOO, IOWA

Table 38. Suspensions and Expulsions, Waterloo Community Schools: 1994-95

Students		Enrollment	Disciplinary Actions	
			Suspensions	Expulsions
All students		10,738	1,434	16
Students with disabilities	Number	1,516	333	0[1]
	Percent of all students	14.1%	23.2%	0.0%

[1] Instead of expulsion, the district placed in alternative programs 7 students with disabilities who were recommended for expulsion because of Student Conduct Code infractions.

Note: Table presents number of suspensions, not number of students suspended; some students were suspended more than once.

Source: Waterloo Community Schools.

- Waterloo Community Schools suspended students with disabilities at a much higher rate than their percentage of the student population.
- Waterloo expelled very few students overall and no students with disabilities; however, the 7 students with disabilities placed in alternative programs represented 30.4% of all students committing expellable offenses.

ANNE ARUNDEL COUNTY, MARYLAND

Table 39. Suspensions by Reason, Anne Arundel County, Maryland: 1994-95

Students		All Suspensions	Reasons for Suspension[1]								
			Assaults -- Student	Assaults -- Staff	Vandalism	Weapons	Fighting	Indecent Exposure/ Molestation	Verbal Assaults/ Threats -- Students	Verbal Assaults/ Threats -- Staff	Drugs/ Alcohol
All students		12,039	485	97	30	107	2,375	11	23	52	242
Students with disabilities[2]	Number	3,388	154	42	10	34	698	4	8	5	45
	Percent of all suspended students	28.1%	31.8%	43.3%	33.3%	31.8%	29.4%	36.4%	34.8%	9.6%	18.6%

[1] Anne Arundel County reported 69 reasons for suspension; this table covers more serious offenses and includes some combined reason categories.

[2] Students with disabilities represented 13 percent of the total enrollment in Anne Arundel County.

Source: Anne Arundel County Public Schools, Division of Special Education.

- Students with disabilities were suspended at rates over twice as high as their percentage of the total student population.
- Students with disabilities were particularly likely to be suspended for assaults against staff.
- The only category in which students with disabilities were under represented was verbal assaults/threats against staff.

CLARK COUNTY, NEVADA

Table 40. Opportunity Referrals and Expulsions, Clark County: 1994-95

Students		Enrollment	Opportunity[1]	Expulsions
All students		156,348	638	356
Students with disabilities	Number	15,540	101	59
	Percent of all students	9.9%	15.8%	16.6%

[1] Opportunity is a 9-week, full-time behavior modification program. It is more serious than suspension but less serious than expulsion.

Source: Clark County School District, Pupil Personnel Services.

- Students with disabilities were placed in alternative "opportunity" programs and expelled at rates considerably higher than their proportion of the total student enrollment.

FIVE HIGH SCHOOLS, NEW HAMPSHIRE

Table 41. Disciplinary Actions, Five High Schools, New Hampshire: 1993-94

Students		Enrollment	Disciplinary Action			
			Detention	In-School Suspension	Out-of-School Suspension	TOTAL
All students		5,793	772	885	746	2,403
Students with disabilities	Number	685	127	146	155	428
	Percent of all students	11.8%	16.5%	16.5%	20.8%	17.8%

Note: Table presents data from five high schools in five districts. Data shown are number of disciplinary actions, not number of students disciplined; some students were disciplined more than once.

Source: Center for Resource Management, South Hampton, New Hampshire.

- In the five high schools, students with disabilities were over represented in each of the three disciplinary action categories.
- Students with disabilities received 20.8 percent of all out-of-school suspensions, which was nearly twice their percentage of the total student population.

Table 42. Percentage of Disciplinary Actions Where Students Disciplined Were Students With Disabilities, by Disability, Five High Schools, New Hampshire: 1993-94

Students with Disabilities			Disciplinary Action			
			Detention	In-School Suspension	Out-of-School Suspension	TOTAL
Disability category	Deaf	Number of actions	0	0	0	0
		Percent all actions	0.0%	0.0%	0.0%	0.0%
	Emotionally handicapped	Number of actions	17	27	30	74
		Percent all actions	2.2%	3.1%	4.0%	3.1%
	Hard of hearing	Number of actions	0	0	0	0
		Percent all actions	0.0%	0.0%	0.0%	0.0%
	Mentally retarded	Number of actions	1	4	3	8
		Percent all actions	0.1%	0.5%	0.4%	0.3%
	Multi-handicapped	Number of actions	0	0	0	0
		Percent all actions	0.0%	0.0%	0.0%	0.0%
	Orthopedically impaired	Number of actions	0	0	0	0
		Percent all actions	0.0%	0.0%	0.0%	0.0%
	Other health impaired	Number of actions	4	2	3	9
		Percent all actions	0.5%	0.2%	0.4%	0.4%

Table 42. Percentage of Disciplinary Actions Where Students Disciplined Were Students with Disabilities, by Disability for Five High Schools, New Hampshire: 1993-94 (continued)

Students with Disabilities			Disciplinary Action			
			Detention	In-School Suspension	Out-of-School Suspension	TOTAL
Disability category	Specific learning disability	Number of actions	99	106	111	316
		Percent all actions	12.8%	12.0%	14.9%	13.2%
	Speech-language impaired	Number of actions	6	7	8	21
		Percent all actions	0.8%	0.8%	1.1%	0.9%
	Visually handicapped	Number of actions	0	0	0	0
		Percent all actions	0.0%	0.0%	0.0%	0.0%

Source: Center for Resource Management, South Hampton, New Hampshire.

- Across all students disciplined, students with specific learning disabilities accounted for 13.2 percent of the disciplinary actions, which was far greater than their percentage of the total student enrollment.

NEW YORK, NEW YORK

Table 43. Suspensions in New York City Public Schools: 1993-94 and 1994-95

Students			Enrollment	Suspensions
1993-1994	All students		1,016,728	38,069
	Students with disabilities in self-contained programs located in regular schools	Number	58,370	5,447
		Percent of all students	5.7%	14.3%
	Students with disabilities in self-contained programs located in special schools	Number	16,263	2,638
		Percent of all students	1.6%	6.9%
	All students with disabilities in self-contained programs	Number	74,633	8,085
		Percent of all students	7.3%	21.2%

Students			Enrollment	Suspensions
1994-1995	All students		1,034,235	38,466
	Students with disabilities in self-contained programs located in regular schools	Number	59,020	5,006
		Percent of all students	5.7%	13.0%
	Students with disabilities in self-contained programs located in special schools	Number	16,827	2,103
		Percent of all students	1.6%	5.5%
	All students with disabilities in self-contained programs	Number	75,847	7,109
		Percent of all students	7.3%	18.5%

Note: District reporting for students with disabilities includes only those students served in self-contained programs located either in regular or special schools; students served part-time in special education settings are not counted as students with disabilities for reporting purposes.

Source: Board of Education of the City of New York; Office of Research, Evaluation and Assessment.

- Students with disabilities enrolled in self-contained special education programs in New York City were suspended at rates far greater than their proportion of the total enrollment.

- Comparing 1993-94 with 1994-95, despite increased enrollment, the number of suspensions decreased for students with disabilities in self-contained special education programs.

- Similarly, comparing 1993-94 with 1994-95, the percentages of students suspended who were students in self-contained special education classes decreased in both regular and special schools.

Table 44. Suspensions in New York City Public Schools by Type of Infraction: 1993-94 and 1994-95

Students			Type of Infraction[1]										
			Behavior Causing Substantial Risk/Injury	Causing Serious Injury to School Personnel	Using Force/Inflicting Serious Injury	Engaging in Intimidation, Coercion	Possessing Category I Weapon	Possessing Category II Weapon	Using Any Weapon to Inflict Injury	Vandalism/ Damage to Property	Dangerous Behavior Off School Premises	Other	TOTAL
1993-1994	All students		18,343	1,899	1,316	1,032	1,966	1,946	583	1,406	591	8,987	38,069
	All students with disabilities in self-contained programs[2]	Number of infractions	3,966	686	362	184	508	463	212	294	86	1,324	8,085
		Percent of all infractions	21.6%	36.1%	27.5%	17.8%	25.8%	23.8%	36.4%	20.9%	14.6%	14.7%	21.2%
1994-1995	All students		17,850	1,910	1,422	920	2,080	1,835	556	1,383	585	9,925	38,466
	All students with disabilities in self-contained programs[2]	Number of infractions	3,368	636	305	150	441	416	195	278	55	1,265	7,109
		Percent of all infractions	18.9%	33.3%	21.4%	16.3%	21.2%	22.7%	35.1%	20.1%	9.4%	12.7%	18.5%

[1] For 1993-94 and 1994-95, the district reported 21 categories of infractions that led to suspensions; specific infractions reported here are those involving dangerous behavior. *Possessing Category I Weapon* infractions involve more dangerous weapons than *Possessing Category II Weapon* infractions.

[2] District reporting for students with disabilities includes only those students served in self-contained programs; this table combines students served in self-contained programs in regular and special schools, who are 7.3 percent of total enrollment.

Source: Board of Education of the City of New York; Office of Research, Evaluation and Assessment.

Table 44. Suspensions in New York City Public Schools by Type of Infraction: 1993-94 and 1994-95 (continued)

- Students with disabilities enrolled in self-contained special education programs in New York City were substantially over represented in many of the most serious suspension infraction categories, including causing serious injury to school personnel, use of force to inflict serious injury, weapons possession, and weapons use.

- Students with disabilities enrolled in self-contained special education programs were over represented in less serious infractions (*Other* category) as well, but not as disproportionately so as with more serious infractions.

- Comparing 1993-94 with 1994-95, the number of students with disabilities in self-contained special education programs committing the most serious infractions decreased in all infraction categories, as did the proportion of serious infractions committed by these students.

NEW YORK, NEW YORK

Table 45. School Safety Incidents in New York City Public Schools: 1993-94 and 1994-95

Students			School Safety Incidents[1]												
			Assault w/ Weapon	Assault w/o Weapon	Robbery w/ Weapon	Robbery w/o Weapon	Sex Offense	Weapons Possession I	Weapons Possession II	Menacing	Disorderly Conduct	Harassment	Reckless Endangerment	Other	TOTAL
1993-1994	All students		190	3094	20	477	102	1,625	1,226	349	512	3,187	506	5,758	17,046
	Students with disabilities in self-contained programs[2]	Number of incidents	17	673	1	13	11	145	132	67	60	586	51	611	2,367
		Percent of all incidents	8.9%	21.8%	5.0%	2.7%	10.8%	8.9%	10.8%	19.2%	11.7%	18.4%	10.1%	10.6%	13.9%
1994-1995	All students		205	3,273	22	638	221	1,668	1,109	376	682	3,841	710	7,069	19,814
	Students with disabilities in self-contained programs[2]	Number of incidents	25	637	2	13	39	155	119	59	82	696	121	618	2,566
		Percent of all incidents	12.2%	19.5%	9.1%	2.0%	17.6%	9.3%	10.7%	15.7%	12.0%	18.1%	17.0%	8.7%	13.0%

[1] For 1993-94 and 1994-95, the district reported 21 categories of incidents. Weapons Possession I involved incidents with more dangerous weapons than those in the Weapons Possession II category.

[2] District reporting for students with disabilities includes only those students served in self-contained programs.

Source: Board of Education of the City of New York, Office of Public Information.

Table 45. School Safety Incidents in New York City Public Schools: 1993-94 and 1994-95 (continued)

- Students with disabilities enrolled in self-contained special education programs in New York City were represented in most categories of safety incidents in greater proportion than their enrollment.

- Comparing 1993-94 with 1994-95, the percentages of students with disabilities involved in incidents of assault with weapons, robbery with weapons, sex offense, and reckless endangerment increased.

- The percentage of involvement by students with disabilities in total school safety incidents declined from 1993-94 to 1994-95.

- In some cases, the data provided by the Office of Public Information (included in Table 41) are quite different from the data provided by the Office of Research, Evaluation, and Assessment (included in Tables 39 and 40).

WILSON COUNTY, NORTH CAROLINA

Table 46. Suspensions, Wilson County, North Carolina: 1994-95

Students		Enrollment	Suspensions
All students		11,890	1,668
Students with disabilities	Number	1,547	120
	Percent of all students	13.0%	7.2%

Source: Wilson County Schools.

- The percentage of suspended students who were students with disabilities was considerably lower than the percentage of students with disabilities in the total county enrollment.

OKLAHOMA CITY, OKLAHOMA

Table 47. Out-of-School and In-School Suspensions, Oklahoma City Public Schools: 1994-95

Students		Enrollment	Out-of -School Suspensions	In-School Suspensions
All students		45,326	4,728	11,192
Students with disabilities	Number	5,674	1,180	2,457
	Percent	12.5%	25.0%	22.0%

Note: Table reports number of disciplinary actions, not number of students disciplined.

Source: Oklahoma City Public Schools; Planning, Research, and Evaluation Department.

- Students with disabilities received out-of-school suspensions at rates twice as high as their percentage in the student population.
- Students with disabilities received in-school suspensions at rates almost twice as high as their percentage in the student population.

Table 48. Out-of-School and In-School Suspensions of Students with Disabilities, Oklahoma City Public Schools: 1994-95

Students with Disabilities		Enrollment		Out-of -School Suspensions		In-School Suspensions	
		Number	Percent of Students with Disabilities	Number	Percent of Students with Disabilities	Number	Percent of Students with Disabilities
Disability category	All disabilities	5,674	100.0%	1,180	100.0%	2,457	100.0%
	Emotionally disabled	388	6.8%	174	14.7%	267	10.9%
	Hearing impaired	43	0.8%	2	0.2%	5	0.2%
	Speech impaired	912	16.1%	83	7.0%	167	6.8%
	Visually impaired	29	0.5%	10	0.8%	10	0.4%
	Multihandicapped	147	2.6%	4	0.3%	4	0.2%
	Learning disabled	2,810	49.5%	690	58.5%	1,543	62.8%
	Educable mentally handicapped	1,044	18.4%	197	16.7%	451	18.4%
	Trainable mentally handicapped	161	2.8%	18	1.5%	10	0.4%
	Developmentally delayed	140	2.5%	2	0.2%	0	0.0%

Note: Table reports number of disciplinary actions, not number of students disciplined.

Source: Oklahoma City Public Schools; Planning, Research, and Evaluation Department.

- Students with emotional disabilities were greatly over represented in suspensions, particularly out-of-school suspensions.
- Students with learning disabilities were over represented in suspensions, particularly in-school suspensions.

BANKS, OREGON

Table 49. Suspensions by Reason, Banks School District: 1994-95

Students		Suspensions by Reason								
		Insubordination/ Disruptive Behavior	Fighting	Possession of Weapon	Theft/ Vandalism	Harassment	Reckless Driving	Alcohol/ Drugs	Other	TOTAL
All students		38	33	4	13	6	4	2	52	152
Students with disabilities[1]	Number	9	9	0	0	0	1	0	19	38
	Percent of all actions	23.7%	27.3%	0.0%	0.0%	0.0%	25.0%	0.0%	36.5%	25.0%

[1] Students with disabilities represented approximately 12% of Bank's total enrollment of 985 students.

Note: Table presents number of suspensions, not number of students suspended; some students were suspended more than once.

Source: Banks School District, Office of Student Services.

- The proportion of suspensions for students with disabilities was over twice as large as the proportion of students with disabilities in the total enrollment.

UNNAMED COUNTY SCHOOLS, SOUTH CAROLINA

Table 50. Expulsions by Reason, Unnamed County Schools: 1994-95

Students		Enrollment	Expulsions by Reason						
			Multiple Infractions of Discipline Policy	Smoking	Threatening Teacher or Administrator	Drug Offenses	Weapon Offenses	Sexual Misconduct	TOTAL
All students		6,784	13	10	5	5	3	3	39
Students with disabilities	Number	659	1	2	2	0	0	2	7
	Percent of all expelled students	9.7%	7.7%	20.0%	40.0%	0.0%	0.0%	66.7%	17.9%

Source: Unnamed County Schools.

- Although the overall number of expulsions for students with disabilities was small in Unnamed County, the percentage of students with disabilities expelled far exceeded their percentage of the total student enrollment.

SUMNER COUNTY, TENNESSEE

Table 51. Suspensions and Expulsions, Sumner County Schools: 1994-95

Students		**Enrollment**	**Disciplinary Action**	
			Suspensions	Expulsions
All students		21,895	3,882	36
Students with disabilities	Number	3,258	452	0[1]
	Percent of all students	14.9%	11.6%	0.0%

[1] The district placed 6 students with disabilities on homebound instruction for offenses that would have resulted in expulsions for nondisabled students.

Note: Table presents number of students disciplined, not number of disciplinary actions.

Source: Sumner County Schools.

- In Sumner County Schools, the percentage of suspended students who were students with disabilities was lower than their percentage of the total student enrollment.

- Sumner County Schools did not expel any students with disabilities; the 6 students placed on homebound instruction, however, represented 14.3 percent of all students committing expellable offenses.

CYPRESS-FAIRBANKS INDEPENDENT SCHOOL DISTRICT, TEXAS

Table 52. Suspensions, Expulsions, and Alternative Campus Placement by Reason, Cypress-Fairbanks Independent School District: 1994-95

Students		Suspensions, Expulsions, and Alternative Campus Placement by Reason									
		Disruptive Behavior	Classroom Disruptive Behavior	Smoking	Alcohol	Drug Possession	Drug Sales	Guns	Other Weapons	Misc.	TOTAL
All students		480	254	106	16	63	6	4	2	835	1,766
Students with disabilities[1]	Number of actions	132	68	28	1	12	0	1	1	159	402
	Percent all actions	27.5%	26.8%	26.4%	6.3%	19.0%	0.0%	25.0%	50.0%	19.0%	22.8%

[1] Students with disabilities represented 10.2 percent of Cypress-Fairbanks's total enrollment.

Note: Suspensions accounted for approximately 93 percent of all disciplinary actions, expulsions equalled approximately 1 percent of all disciplinary actions, and alternative campus placement represented approximately 6 percent of all disciplinary actions.

Source: Cypress-Fairbanks Independent School District, Office of Administration and Student Services, Houston, TX.

- Very few students overall were expelled from the Cypress-Fairbanks School District.
- Students with disabilities were disciplined at a rate more than twice as high as their percentage of the total enrollment.
- Guns and other weapons accounted for .3 percent of disciplinary actions for all students and .5 percent of disciplinary actions for students with disabilities.

Section 3: Office for Civil Rights Table

Table 53. Enrollment, Corporal Punishment, and Suspension Data from the School Civil Rights Compliance Report: 1992

State	Enrollment			Disciplinary Action					
				Corporal Punishment			Suspension		
		Students w/ Disabilities			Students w/ Disabilities			Students w/ Disabilities	
	All Students	Number	% of Total Enrollment	All Students	Number	% of All Students	All Students	Number	% of All Students
Alabama	698,187	88,868	13%	53,443	4,699	9%	41,697	3,783	9%
Alaska	122,114	16,453	13%	0	0	NA	5,966	337	6%
Arizona	682,532	62,820	9%	895	94	11%	34,929	4,306	12%
Arkansas	432,253	44,068	10%	50,773	2,224	4%	25,737	1,708	7%
California	5,205,651	451,448	9%	0	0	NA	366,147	23,020	6%
Colorado	604,042	56,729	9%	38	3	8%	29,597	2,706	9%
Connecticut	466,656	56,776	12%	0	0	NA	30,989	5,588	18%
Delaware	98,397	11,881	12%	398	53	13%	8,296	919	11%
District of Columbia	74,143	6,116	8%	2	0	0%	1,368	15	1%
Florida	1,893,620	227,682	12%	26,619	5,643	21%	154,744	34,031	22%
Georgia	1,203,464	111,026	9%	47,946	2,688	6%	89,583	8,312	9%
Hawaii	159,155	12,417	8%	0	0	NA	9,248	1,456	16%
Idaho	226,325	20,868	9%	65	2	3%	6,007	192	3%
Illinois	1,812,929	213,761	12%	4,054	615	15%	79,831	8,735	11%
Indiana	964,424	111,153	12%	8,756	646	7%	63,262	4,435	7%

Table 53. Enrollment, Corporal Punishment, and Suspension Data from the School Civil Rights Compliance Report: 1992 (continued)

State	Enrollment			Disciplinary Action					
				Corporal Punishment			Suspension		
	All Students	Students w/ Disabilities		All Students	Students w/ Disabilities		All Students	Students w/ Disabilities	
		Number	% of Total Enrollment		Number	% of All Students		Number	% of All Students
Iowa	485,087	49,920	10%	11	4	36%	12,552	1,463	12%
Kansas	449,821	44,233	10%	213	13	6%	18,905	1,717	9%
Kentucky	621,659	67,558	11%	673	29	4%	23,956	1,863	8%
Louisiana	797,590	72,780	9%	41,673	1,485	4%	84,472	5,089	6%
Maine	212,605	25,635	12%	0	0	NA	5,354	440	8%
Maryland	737,453	86,273	12%	12	0	0%	41,211	3,594	9%
Massachusetts	737,732	96,822	13%	0	0	NA	35,147	4,423	13%
Michigan	1,568,854	135,799	9%	0	0	NA	76,530	8,221	11%
Minnesota	761,492	80,122	11%	0	0	NA	19,423	0	0%
Mississippi	490,311	59,465	12%	52,289	2,480	5%	44,429	2,726	6%
Missouri	844,802	100,936	12%	15,608	1,478	9%	44,774	5,953	13%
Montana	194,601	20,748	11%	3	0	0%	5,173	255	5%
Nebraska	295,265	33,936	11%	0	0	NA	5,723	551	10%
Nevada	219,483	19,812	9%	159	7	4%	7,918	401	5%
New Hampshire	167,926	20,130	12%	94	0	0%	5,744	610	11%
New Jersey	1,096,136	130,354	12%	0	0	NA	64,189	7,277	11%
New Mexico	318,920	38,920	12%	3,960	157	4%	18,744	528	3%

Table 53. Enrollment, Corporal Punishment, and Suspension Data from the School Civil Rights Compliance Report: 1992 (continued)

State	Enrollment			Disciplinary Action					
				Corporal Punishment			Suspension		
		Students w/ Disabilities			Students w/ Disabilities			Students w/ Disabilities	
	All Students	Number	% of Total Enrollment	All Students	Number	% of All Students	All Students	Number	% of All Students
New York	2,726,695	270,265	10%	24	3	12%	101,883	10,514	10%
North Carolina	1,136,569	127,653	11%	13,188	1,193	9%	71,156	6,374	9%
North Dakota	117,279	12,635	11%	0	0	NA	1,187	141	12%
Ohio	1,818,887	184,473	10%	9,356	1,082	12%	132,447	12,132	9%
Oklahoma	608,892	70,111	12%	19,184	1,032	5%	18,277	1,355	7%
Oregon	521,780	56,973	11%	0	0	NA	23,815	2,061	9%
Pennsylvania	1,728,668	196,048	11%	1,698	12	1%	106,091	12,250	12%
Rhode Island	129,729	17,965	14%	0	0	NA	8,299	817	10%
South Carolina	611,658	75,610	12%	11,660	784	7%	63,905	5,889	9%
South Dakota	131,763	13,796	10%	0	0	NA	1,583	152	10%
Tennessee	931,756	119,688	13%	50,959	2,863	6%	61,797	4,607	7%
Texas	3,504,382	373,995	11%	140,928	9,240	7%	134,614	12,152	9%
Utah	475,968	49,158	10%	0	0	NA	10,812	465	4%
Vermont	100,146	9,916	10%	0	0	NA	2,814	220	8%
Virginia	1,065,986	117,959	11%	0	0	NA	75,710	8,945	12%
Washington	903,714	83,135	9%	83	10	12%	45,070	3,689	8%
West Virginia	299,007	38,420	13%	535	6	1%	18,353	1,046	6%

Table 53. Enrollment, Corporal Punishment, and Suspension Data from the School Civil Rights Compliance Report: 1992 (continued)

State	Enrollment			Disciplinary Action					
				Corporal Punishment			Suspension		
		Students w/ Disabilities			Students w/ Disabilities			Students w/ Disabilities	
	All Students	Number	% of Total Enrollment	All Students	Number	% of All Students	All Students	Number	% of All Students
Wisconsin	840,794	89,760	11%	2	0	0%	46,328	5,534	12%
Wyoming	99,610	10,936	11%	32	1	3%	2,401	213	9%
TOTAL	42,396,912	4,494,005	10.6%	555,333	38,546	6.9%	2,388,187	233,210	9.8%

Source: U.S. Department of Education, Office for Civil Rights; 1992 Elementary and Secondary School Civil Rights Compliance Report.

- For the 20 states reporting the highest use of corporal punishment (more than 500 incidents),
  - -- in 4 states the percentage of students with disabilities receiving corporal punishment exceeded their percentage of the total student enrollment, and
  - -- in 16 states the percentage of students with disabilities receiving corporal punishment was less than their percentage of the total student enrollment.

- For all 50 states and the District of Columbia,
  - -- in 11 states the percentage of students with disabilities suspended exceeded their percentage of the total student enrollment,
  - -- in 35 states the percentage of student with disabilities suspended was less than their percentage of the total student enrollment, and
  - -- in 5 states the percentage of students with disabilities suspended was approximately the same as their percentage of the total student enrollment.

Appendix B: Due Process Summaries

SUMMARY OF HEARINGS INVOLVING WEAPONS

Alabama

- Hearing Decision - May 2, 1995[1]

Misconduct: Possession of knife and many other incidents of misconduct.

Hearing Issues: Failure to provide student with math instruction as per IEP; LEA failure to provide behavior management program.

Background: A 16-year-old boy, identified with ADD and as emotionally conflicted, received numerous disciplinary referrals from regular classroom teachers during the 1993-94 school year. Offenses included truancy, smoking, use of profanity, fighting on the bus, disruption of classes, and possession of a knife in school. He was referred to juvenile court by the school for adjudication of truancy that year and for "out of control" behavior on two other occasions. His mother had him privately evaluated in July 1994.

His mother objected to his placement in the emotionally conflicted afternoon math class because the other students in the class were second through sixth graders.

The adequacy of the boy's behavior modification program was also an issue in this case. All parties agreed that such a program was integral to the boy's education; however, the degree to which the program was followed by special education and regular education teachers was in question. The special education coordinator testified that some of the boy's behaviors were related to his disability and others were not.

Ruling: IN FAVOR OF PARENT: LEA to provide compensatory math instruction, LEA to complete IEP by 8/15/95 that includes a behavior management program, LEA to complete a manifestation determination within 60 days, LEA to reimburse parent for 1/3 of attorney's fees for defending "out of control" charges in juvenile court. IN FAVOR OF BOTH PARTIES: Parties must jointly select an outside expert to assist with development of behavior modification plan, parent to make child available for evaluation and assessment by expert, as needed.

- Due Process Hearing - 1995 file (no specific date given)

Misconduct: Possession of gun at school.

Hearing Issues: Right to FAPE, should boy receive individual counseling, whether gun incident was properly handled.

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[1] Dates of the final decision or order are provided as available.

Background: A 16-year-old boy was diagnosed with ADD when he was seven but did not receive any special education services until October 1994 when an IEP committee met and agreed on a primary disability of Other Health Impaired to address his academic needs and attention deficit. His mother wanted him to received individual psychological therapy. He was evaluated but it was determined that he did not need individual counseling because he was in family therapy and his school behavior and grades were good. The boy had no significant behavior problems during his fall 1994 term at a high school. He brought a gun to school in late March 1995 to trade with a friend. He was expelled following a manifestation hearing that concluded his action was not related to his disability. The boy received homebound services during April and May.

Ruling: IN FAVOR OF LEA: The boy received FAPE, individual counseling decision was appropriate, gun incident properly handled.

Florida

- Due Process Hearing - January 11, 1994

Misconduct: Possession of a pocket knife.

Hearing Issue: Parents requesting homebound placement.

Background: A 14-year old boy, identified as emotionally handicapped and having specific learning disabilities, had a history of behavioral and academic problems that resulted in alternative education placements and suspensions. The boy was caught carrying a pocket knife on the first day of the 1993-94 school year. His conduct was determined to be attributable to his emotional handicap and placement in the alternative program for special needs students was recommended. His parents objected then consented to the placement. The boy had disciplinary problems soon afterwards. His parents withdrew him from school, and he received homebound education until the hearing. His parents wanted a special homebound program designed for their son.

Ruling: IN FAVOR OF LEA: The parents' request for homebound placement was denied; student's IEP changed to the alternative placement for the remainder of the year, with plans for return to prior placement of resource instruction for EH and LD students.

- Due Process Hearing - March 17, 1994

Misconduct: Chasing student with ax and other serious behaviors.

Hearing Issue: Whether placement was appropriate and in least restrictive environment.

Background: A 17-year-old male was enrolled in specific learning disabilities and emotionally handicapped programs. His behavioral problems included aggression toward other students, disrespect for authority, and several instances of "bizarre behavior." During September 1993, the boy pulled the hair of a female student sitting in front of him. He clawed her face with his fingernails, drawing blood, when she tried to stop him. The next month, he chased another student with an ax. The boy was reevaluated. The psychologist suggested his needs were not being met in the EH placement, and that he needed a program for students with severe emotional disturbances at a special school.

Ruling: IN FAVOR OF LEA: The placement in the special school met requirements for FAPE in the LRE.

- Due Process Hearing - August 23, 1994

Misconduct: Possession of an illegal weapon (not specified) and forced sexual activity.

Hearing Issue: Whether student should be disenrolled from school.

Background: A 12-year-old deaf student at the Florida School for the Deaf and the Blind began exhibiting "aggressive tendencies" when he was promoted from the elementary school to the middle school. Between January 1992 and February 1994 the boy had several behavioral incidents, the most serious of which occurred in January and February 1994. He was suspended for ten days and proposed for disenrollment for two incidents: possession of an illegal weapon and forced sexual activity with a female student.

Ruling: IN FAVOR OF PARENT: Student to remain in school pending a re-evaluation.

New Mexico

- Impartial Hearing - March 25, 1994

Misconduct: Possession of unloaded gun at school.

Hearing Issues: Manifestation determination, violation of right to FAPE.

Background: A boy, approximately 15 years old, identified with a learning disability, saw a gang beat up his cousin. "They threatened to kill him when he told them to stop." The next day, the boy bought a gun (with no ammunition) and took it, unloaded, to school in an attempt to scare the gang members if they attacked him. His teacher observed him as he tried to hide the gun under his shirt. The boy bargained with the teacher for 45 minutes before turning over the gun when the teacher agreed not to report the incident. Several days later a classmate reported the incident to the principal, who recommended the boy for expulsion. Results of an IEP meeting found the boy's special education placement was appropriate and the gun incident was not related to his disability. The boy's mother disputed the IEP recommendation, stating her son might have ADD.

Ruling: IN FAVOR OF PARENTS: Misconduct is a manifestation of the boy's disability, his expulsion constituted a change of placement and violates IDEA, boy should be reinstated immediately. IN FAVOR OF LEA: The LEA should have scheduled an IEP as soon as the boy was expelled but since his mother thought "there was no point in attending the alternative school if he did not receive grades or credits," the judge determined that the failure to hold the IEP meeting did not detrimentally affect the boy; the services of the alternative program meet the IDEA requirements for expelled students. NEITHER PARTY: Due to the LEA's failure to provide a speech-language test for over two years, it was not possible to determine whether the boy was appropriately placed at the time of the misconduct.

New York

- Judicial Decisions of the Commissioner - May 4, 1995

Misconduct: Possession of a box cutter at school and other dangerous behavior.

Hearing Issue: Whether proper procedures were followed.

Background: A middle school male was suspended for five days for bringing a box cutter to school on September 12, 1994, and physically and verbally threatening staff. The boy had been in special education since 1987, was declassified in November 1993, and was receiving transitional services. His mother requested he be evaluated by a " 504 committee," separate from the committee on special education. This committee met on September 14, 1994, and found the boy to have ADHD. A September 23 hearing committee recommended the boy be transferred to a different school in the district with a smaller teacher-student ratio that had the same curriculum as the boy's current school. On November 1, 1994, the boy was suspended from the new school for five days for using abusive language, threatening school officials, and physically assaulting staff members. The 504 committee found the boy's behavior unrelated to his disability.

Ruling: IN FAVOR OF PARENTS: The LEA did not follow proper procedures regarding the boy's school transfer, the boy was ordered back to his original school and a 504 committee meeting was to be convened to develop his behavior plan.

Oklahoma

- Due Process Hearing - August 14, 1995

Misconduct: Possession of knife at school.

Hearing Issues: Manifestation determination, placement, proper notice to parents.

Background: An 18-year-old male student with a specific learning disability was suspended for possession of a knife which he used in his work study placement at a pawn shop. He gave this knife and another small knife in his possession to school personnel, and "there was no incident, no use of the knife or threat of use of the knife or display of the knife". He was initially suspended for the rest of the year (March-May) and the following semester. A team determined that the student's behavior was not related to his disability nor was his placement inappropriate.

Ruling: IN FAVOR OF LEA: The student's suspension was appropriate; the misconduct was not related to the disability nor the placement; there was an adequate basis for a change of placement, specifically a reevaluation; an impartial hearing was provided to deal with the parent's objections with the change of placement, homebound instruction. IN FAVOR OF PARENTS: Parents were not afforded adequate notice of the March 10, 1995 IEP team meeting. The judge encouraged the Board of Education "to display more compassion than may be demonstrated by a 'no tolerance' policy. Individual circumstances may require individual decisions rather than a 'boiler plate' approach where one policy fits all."

Rhode Island

- Decision on interim order - June 13, 1995

Misconduct: Possession of table knife at school.

Hearing Issue: Merits of the imposed suspension.

Background: A six-year-old boy, not formally identified as ADHD at the time of the incident, brought a table knife to school to cut his Fig Newtons. His group home counselor had previously denied the boy's request to bring the knife. His teacher noticed the knife when it fell out of the student's pocket. According to the interim order decision, he had not "displayed the knife or threatened anyone with it. The principal, in accordance with school committee policy, imposed an automatic 10 day suspension for possession of a weapon and called the police." Although the boy's psychological evaluations mentioned acts of physical aggression against other children and the boy's striking his mother with a sharp object, the court's opinion was that the child "intended no harm when he brought the table knife to school."

Ruling: IN FAVOR OF STUDENT: Suspension "commuted" to time served. "If child avoids serious trouble next year thought should give (sic) to expunging the suspension from his record. We instruct the district to reevaluate the child for special education." IN FAVOR OF

LEA: "We decline to overturn the district policy of imposing an automatic 10 day suspension for possession of a 'weapon' but we do direct the school committee to consider the issue of whether more flexibility is needed when young students are involved."

Texas

- Decision of the Hearing Officer - September 23, 1992

Misconduct: Possession of unloaded gun at school.

Hearing Issues: Manifestation determination.

Background: A 14-year-old boy identified with learning disabilities in spelling and math brought his father's unloaded .357 magnum pistol and bullets (of a different caliber than the gun) to school on May 15, 1992. The student stated he brought the pistol because some boys threatened to kill him; one of the boys aimed a sawed-off shotgun at him. Previously, a boy had been shot and killed off campus. The student who brought the pistol to school believed the boy was killed because he told his parents he was being threatened, and therefore the student involved in the hearing was afraid to tell his parents about the shotgun incident. The assistant principal called the police, and the boy was taken to the police station. He returned to school to complete his eighth grade exams. The assistant principal recommended the student be expelled for the first semester of ninth grade. Members of an ARD committee determined that bringing the pistol to school was not related to the student's handicapping condition or his special education placement.

Ruling: IN FAVOR OF LEA: "The ARD committee acted appropriately in determining that the student's misconduct was not related to his handicapping condition or an inappropriate placement."

- Decision of the Hearing Officer - June 24, 1994

Misconduct: Possession of gun and ammunition clip at school.

Hearing Issue: Manifestation determination.

Background: A 19-year-old male, with a history of discipline problems and special education placements, including classification as emotionally disturbed, brought a knife to school in early February 1993. He poked another student with the knife, "apparently in a joking manner." An ARD committee found that this incident was related to his handicapping condition. In late March 1994 the student's physical education coach caught him with a handgun and a clip containing three rounds of ammunition. An ARD committee found that the student's possession of the weapon was not related to his disability. The student was arrested and charged with carrying a handgun on school grounds. He told police he obtained the weapon from a friend, and brought it to school for protection from another man who thought the student was "messing" with his girlfriend.

Ruling: IN FAVOR OF PARENT: "ARD committee failed to determine whether additional assessment was necessary and failed to obtain current assessment data on psychological status of student. Expulsion rescinded and compensatory educational services awarded." *Decision was reversed by state district court when parent did not appear in court.*

SUMMARY OF HEARINGS INVOLVING OTHER DANGEROUS BEHAVIORS

Alabama

- Hearing Decision - August 25, 1995

  Misconduct: Multiple incidents of serious misconduct.

  Hearing Issues: Right to FAPE, reimburse parents for independent evaluation of son, reimburse parents for attorney's fees, manifestation determination.

  Background: A 15-year-old boy identified with a learning disability, ADHD, and as emotionally conflicted, was in the eighth grade during school year 1993-94. His mother asked the IEP committee in June 1993 not to develop a formal behavior management plan for her son; she wanted him "treated as normal as possible." When the boy began disrupting class and having behavior problems in October 1993 his mother agreed to a behavior management contract. During that fall, she was called to the school numerous times because her son did not bring his materials for class, did not complete assignments, and was disruptive in class.

  The boy received eight hours of detention for pushing and injuring a student in December 1993. An IEP meeting was held in January 1994 at the request of the mother. The mother and committee members disagreed about the content of the boy's behavior management plan. The mother obtained the services of a university professor to assist the IEP committee in development of a plan. The student was suspended for five days for "an incident of defiance" in March 1994. The boy received eight hours of detention for a May 1994 incident: he threw a rock, hitting and cutting another boy on the lip. By mid-May, the boy had accumulated enough Class II citations to equal a Class III, resulting in a Board Hearing Officer suspension.

  Ruling: IN FAVOR OF PARENT: Suspension violated FAPE; granted "the reasonable costs" for an independent evaluation of son; hearing officer stated "...it is clear that the Child's conduct is a manifestation of his disability." IN FAVOR OF LEA: No attorney's fee for parent.

- Hearing Decision - May 10, 1995

  Misconduct: Chronic misbehavior.

  Hearing Issue: Manifestation determination.

  Background: A 16-year-old regular education student was expelled for one year because of "chronic misbehavior" that included fighting. A special education evaluation was conducted after the expulsion decision.

Ruling: IN FAVOR OF LEA: Boy not emotionally conflicted.

Arizona

- Due Process Hearing Decision - November 9, 1993

Misconduct: Multiple aggressive acts.

Hearing Issue: Placement.

Background: A 13-year-old boy with a history of special education placements since preschool (including classification as seriously emotionally disturbed) was currently identified as ADHD with an anxiety disorder. He was also taking medication for control of aggression and depression. In the fourth grade, he was physically aggressive toward a staff member and had to be restrained. His explosive behavior continued the next year; he kicked one teacher and tried to bite two others. During sixth grade he had several "severe emotional outbursts." He was suspended five times for 7.5 days during the fall; there were 10 reports of assaults on teachers. He threw a chair through the classroom windows in early January 1993; the other students were evacuated from the room. Two weeks later, he kicked a classroom aide and attempted to stab the aide with a pencil. His mother refused an in-school suspension for the incident and told the principal she would not return her son to school. The boy received homebound instruction for two weeks. Thereafter, he received one-to-one instruction at the Guidance Center from March to the end of the school year. His mother disagreed with the IEP committee's recommendation for seventh grade placement in a self-contained program at a junior high school.

Ruling: IN FAVOR OF LEA: Seventh grade placement in self-contained program at junior high school was appropriate.

- Due Process Hearing Decision - May 31, 1995

Misconduct: Aggressive acts toward staff.

Hearing Issues: Right to FAPE, placement change, detailed behavior management plan.

Background: A 12-year-old boy, identified as seriously emotionally disturbed, had a history of violence and anger in response to authority. In April 1994 a psychiatric evaluation showed the boy had ADHD, oppositional defiance disorder, and intermittent explosive disorder. He was placed in the district's residential treatment center from June-December 1994 for mental health rather than educational reasons, as determined by the juvenile court. He was then moved to a self-contained classroom for SED students at a regular school in the district. Several of his mother's requests for changes in her son's behavior management plan (BMP) were incorporated by the IEP staff members; there were four areas of disagreement. During spring 1995 the boy missed 22.5 days of school, including 6.5 days for disciplinary suspensions. In early March 1995, the boy "engaged in a series of escalating behaviors." He was given a choice of in-school or off-campus suspension. He responded by shoving a staff member. The boy's mother was called; she stated she would pick him up immediately. In the meantime, the boy punched a classroom aide in the back, the principal called the police because he was afraid the boy was a threat to others and that an assault had been committed. The police officer, the principal, and the mother met. The officer gave the mother the choice of taking her son home while he filed a referral arrest to the juvenile detention center, or the officer could take the boy to the police station. His mother would not make the choice so the officer took the boy in; he was released the next day.

Ruling: IN FAVOR OF LEA: Student not denied FAPE or due process, filing of charges was not a change in placement, an extremely detailed BMP is not legally required. IN FAVOR OF BOTH PARTIES: LEA to incorporate into BMP limited circumstances for use of restraints on the boy.

Florida

- Due Process Hearing - January 29, 1993

Misconduct: Aggression and other discipline problems.

Hearing Issue: Appropriate placement, manifestation determination.

Background: A male general education student started having discipline problems in the seventh grade; he received numerous suspensions and detentions. His final grades the next year were all failing; he had been frequently absent, receiving multiple days of suspension and a long-term suspension pending expulsion. On behalf of the student, the Greater Orlando Area Legal Services requested a special education evaluation in April 1992. An educational planning team found the student to be physically aggressive, have poor retention, and have academic difficulties; however, there was no disability interfering with his learning. An independent psychologist then evaluated the student, concluding he should be considered educable mentally handicapped (EMH). An eligibility staff meeting was held; the members determined the boy did not meet EMH criteria. His mother testified that she preferred her son "be classified in the EMH program so that he would not be subject to expulsion as a regular student."

Ruling: IN FAVOR OF LEA: "Student must be categorized as a slow learner with significant behavior problems" but cannot be classified for EMH placement; LEA to perform an evaluation of the student within 60 days; student to remain in the high school enrichment program. The order was appealed.

- Due Process Hearing - November 18, 1992

Misconduct: Assault and battery.

Hearing Issues: Student eligibility for special education as emotionally handicapped, LEA to reimburse parent for cost of evaluation.

Background: A seventh grade male student, age 15 years, exhibited "serious behavior problems" from December 1991 to February 1992, resulting in administrative conferences, detentions, and suspensions. In late February 1992 the boy was suspended with a recommendation for expulsion for assault and battery, for which he was arrested and charged. His mother requested an expulsion hearing and retained the services of the Greater Orlando Area Legal Services (GOALS). The school board denied GOALS' request that expulsion proceedings be stayed until after a special education evaluation. GOALS filed a class action law suit, a circuit court judge ordered the expulsion hearing stayed. A psychiatrist found the student to be emotionally handicapped (EH). The LEA determined the student was ineligible for EH or any special education program but offered to enroll the student in a summer success program and drop all expulsion proceedings. His mother refused and enrolled her son in a private school.

Ruling: IN FAVOR OF PARENT: The student was emotionally handicapped and eligible for special education placement; LEA to compensate parent for cost of evaluations.

- Due Process Hearing - February 7, 1994

Misconduct: Aggression and other disciplinary problems.

Hearing Issue: Right to appropriate placement in least restrictive environment.

Background: A 15-year-old male was served in a class for emotionally handicapped students until May 1991 when an IEP committee determined he was not benefitting from this placement. His parents requested a home schooling program, which he participated in during the next two school years. His parents then requested his admission to a district high school at the start of the 1993-94 school year, but the boy was not accepted. He was re-enrolled at his former middle school and mainstreamed for all his classes at his mother's request. The student received 10 disciplinary referrals in the first month of school. He was suspended for 10 days after hitting another student in late September 1993. The IEP committee recommended placement in an alternative education school or homebound instruction.

Ruling: IN FAVOR OF LEA: The school's placement recommendation provided a FAPE in the LRE; student to be placed in EH program at alternative school for remainder of 1993-94 school year or receive homebound instruction if his parents chose it instead.

- Due Process Hearing - August 23, 1994

Misconduct: Aggressive behavior.

Hearing Issue: Whether student should be disenrolled from school.

Background: An 11-year-old, hearing-impaired male with an emotional handicap was considered a "danger to the safety of others" at the Florida School for the Deaf and the Blind. Since his enrollment in 1990, he had received several behavioral infractions that required intervention. During the 1993-94 school year, the school sought his disenrollment because his behaviors included kicking, hitting, choking, and screaming at another student, stabbing a student with a pencil, and leaving assigned areas.

Ruling: IN FAVOR OF PARENTS: Student to remain at the school pending a re-evaluation.

- Due Process Hearing - December 8, 1994

Misconduct: Off-campus felonies.

Hearing Issue: Whether LEA complies with procedural requirements for student placement.

Background: A ninth grade female student was charged with two off-campus felonies in late September 1993: resisting arrest with violence and aggravated battery of a police officer, and resisting arrest without violence. The principal suggested transferring her to a special center pending resolution of the felony charges. An eligibility committee convened in early October 1993 based on a school psychologist's evaluation of the student that June. Prior to seventh grade, the student had few disciplinary problems. She received numerous disciplinary reports for misconduct beginning with the 1991-92 school year and was suspended on several occasions. The girl was transferred to the special center for students who were unsuccessful in a regular school environment. Her mother signed a form agreeing with the change. The student made progress at the center, and her mother requested she continue there for the 1994-95 school year. In July 1994, the mother requested a due process hearing to contest the district's reassignment of her daughter.

Ruling: IN FAVOR OF PARENT: The student to remain in current placement pending staff meeting to develop a new IEP; LEA did not satisfy procedural requirements.

Nebraska

- Hearing Officer's Report - November 17, 1994

  Misconduct: Breaking into school building.

  Hearing Issues: Right to FAPE, services during expulsion.

  Background: A 12-year-old boy with a learning disability in written expression broke into his elementary school at 1:00 a.m. on September 24, 1994, damaging the building ($5,000 worth) and stealing school property. The principal suspended him for five days and recommended expulsion to the Department of Student Services. The Department recommended expulsion for the rest of the semester; the student's parents appealed. Meanwhile, an IEP team determined that the behavior was not related to the boy's disability, and no further assessments were recommended. A hearing officer upheld the expulsion, the parents appealed. At an IEP conference homebound instruction was suggested, but the boy's parents did not want this because their work schedules would not permit them to be home. The parents finally agreed to a reduced number of hours of instruction. The school board affirmed the expulsion and the boy's three-year special education assessment was to be completed during the expulsion period.

  Ruling: IN FAVOR OF LEA: The boy could be expelled; student is not entitled to regular education services during expulsion; the required educational services the district suggested were sufficient. IN FAVOR OF THE PARENTS: The district was required to provide special educational services during the expulsion period.

New York

- Judicial Decision of the Commissioner - November 3, 1994

  Misconduct: Aggressive behavior.

  Hearing Issue: Manifestation determination.

  Background: A 16-year-old boy, previously classified as emotionally disturbed, currently classified as learning disabled, was suspended for five days in March 1994 for fighting in the cafeteria and attempting to strike a staff member. The superintendent suspended the boy for the rest of the school year. He was to receive home instruction and the suspension would continue through the 1994-95 school year if the boy did not cooperate with his home tutors. The committee on special education found that the fighting incident was not a result of the boy's handicapping condition. His mother disagreed and appealed.

  Ruling: MOOT because mother and son moved out of state. The judge admonished the

LEA for not following proper procedures regarding the transfer and questioned the district's determination that the boy's behavior was not related to his disability.

Oregon

- Due Process Hearing - summary report covering 9/94-8/95; no exact dates given for case

  Misconduct: Sexual incidents.

  Hearing Issues: Procedural violations, right to FAPE, placement.

Background: A 14-year-old boy with learning disabilities was recommended for evaluation of ADHD due to behavioral problems. He was diagnosed with ADHD and placed on medication. His behavioral problems continued during 1993-94 but improved after his medication was changed. Because of the medicine's side effects, his parents stopped the medication. The boy was suspended "after two sexual incidents that prompted the district to call the police" (no dates given). His parents removed him from school and he received homebound instruction. The district was also willing to pay for six sessions of treatment for sexual deviancy. At an IEP meeting in early September 1994 a clinical psychologist specialist (in sexual deviancy, not ADHD) stated the boy could return to school but needed to stay on his medication. His parents said they would not resume the medication because of the side effects and requested continuation of homebound instruction; their request was denied by the district.

Ruling: IN FAVOR OF PARENTS: Procedural violation, denial of FAPE, failure to conduct thorough evaluation of boy's ADHD. IN FAVOR OF LEA: The proposed in-school placement was appropriate, revise IEP to include monitoring plans.

Texas

- Decision of the Hearing Officer - December 18, 1991

  Misconduct: Physical altercations.

  Hearing Issue: Parents want residential placement for their son.

Background: A 16-year-old male with a history of emotional and psychological problems requiring special education placement since fourth grade was involved in "physical altercations with peers in his self-contained classroom" during spring 1991. He broke his arm on two of these occasions. The student became so suspicious and fearful of those around him as a result of these altercations that each day when he came home from school, he went into his closet and did not come out until the next morning. He was refusing to attend classes or change classes because of his paranoia. His mother stated he was becoming more oppositional at home and experiencing flashbacks, which she attributed to his past LSD usage. His parents admitted him to an outpatient program in April 1991. An ARD committee determined the student should be placed at a regular high school for school year 1991-92, and his mother agreed. The boy's condition did not improve during the summer at the outpatient clinic. His psychologist and psychiatrist recommended a highly structured educational setting for the student. An ARD committee proposed the district could accommodate the student through various means; the student's parents disagreed.

Ruling: IN FAVOR OF PARENTS: "Student's educational needs are so inextricably intertwined with his psychological needs that they cannot be reasonably separated. All of these needs can only be appropriately addressed in a residential placement."

- Decision of the Hearing Officer - June 7, 1995

Misconduct: Various aggressive behaviors.

Hearing Issues: Right to FAPE, appropriateness of suspension.

Background: A 9-year-old boy, diagnosed with Tourette's syndrome, ADD, and obsessive compulsive tendencies, had a history of poor classroom performance and inappropriate behaviors (i.e., hitting, yelling at, and spitting at other children). He was receiving an hour of speech therapy a week. An ARD committee meeting in mid-February 1992 determined the student qualified for learning disabilities services in oral language and math in a resource room during his second grade year. In January of his third grade year, his mother requested a change in placement to a self-contained classroom. An ARD committee agreed and also noted that a discipline management plan was needed to address the student's inappropriate behaviors, including tantrums, walking around the classroom and hitting other students, inappropriate sexual behavior, disrespect and defiance of authority, and leaving assigned areas. His fourth grade teacher recommended the student for a behavior adjustment class (BAC) because of his continued inappropriate behaviors. An ARD committee concluded in early November 1994 that a BAC was appropriate, and his mother agreed. In early January 1995 the student and three other male students were unattended in the BAC. One of the boys exposed himself to the student, asking the student to perform oral sex on him. Another of the boys urinated on the student's coat. The mother requested her son be transferred out of the BAC classroom; she also removed him from school and sought psychiatric care for him. An ARD committee agreed to a temporary placement in the self-contained classroom. The student assaulted a peer on the last day of January 1995 and was removed from school for a day. On February 2, the student struck his teacher on the arm. The police were called, and the student was removed from school for three days. His mother did not return him to the school; instead she placed him in a private school.

Ruling: IN FAVOR OF LEA: The student was properly removed from the school; his program within the LEA was appropriate.

Appendix C: Interview Protocols

State/District: ________________________   **Name:** ________________________

TASK 20 INTERVIEW PROTOCOL

Previously Contacted Data Managers

This is ______________ from the Research Triangle Institute.

____________________ from my office contacted you last winter as part of a preliminary study we were conducting for the U.S. Department of Education to determine what data were available on the incidence of students with disabilities'

- bringing weapons to school,
- engaging in life-threatening behavior, or
- engaging in other serious misconduct.

To address specific questions raised in Congress, the Department has now requested that we expand our preliminary study by contacting all 50 states, including those we contacted previously, to collect extant data related to these issues. I am calling you to ask for your assistance in updating data you already provided and to inquire about the availability of any new data.

1. Can you send me (1) data you have available on misconduct by students with disabilities and (2) for comparisons, comparable data on all students?

2. Also, we are interested in data that indicate

   - how often issues related to suspensions or expulsions of special education students have been settled through due process hearings, and

   - how often districts have obtained court injunctions to remove dangerous students from school when parents have refused to agree to placement changes.

3. *[For state data managers]* Finally, can you tell us a district or two in your state that might have high quality data related to these issues? Who would be a good contact person in that district?

1.	**2.**	**3.** District: Name: Phone: District: Name: Phone:

State/District: ______________________ **Name:** ______________________

TASK 20 INTERVIEW PROTOCOL
Newly Contacted Data Managers

This is ____________ from the Research Triangle Institute.

We are conducting a study for the U.S. Department of Education to gather data on the incidence of students with disabilities'

- bringing weapons to school,
- engaging in life-threatening behavior, or
- engaging in other serious misconduct.

To address specific questions raised in Congress, the Department has requested that we contact all 50 states to collect extant data related to these issues. I am calling you to ask for your assistance in updating any available data from your state. OSEP's Lou Danielson recently wrote to you about this study.

1. Can you send me (1) data you have available on misconduct by students with disabilities and (2) for comparisons, comparable data on all students?

2. Also, we are interested in data that indicate

   - how often issues related to suspensions or expulsions of special education students have been settled through due process hearings, and

   - how often districts have obtained court injunctions to remove dangerous students from school when parents have refused to agree to placement changes.

3. *[For state data managers]* Finally, can you tell us a district or two in your state that might have high quality data related to these issues? Who would be a good contact person in that district?

1.	**2.**	**3.** District: Name: Phone: District: Name: Phone:

Name: ______________________________ **District:** ______________________________

Title: ______________________________ **Date:** ________________

Protocol for Informal Telephone Interviews with 12 Local School Officials in 9 Districts

We are conducting a study for the U.S. Department of Education related to misconduct by students with disabilities. To address specific questions raised in Congress during their deliberations on the reauthorization of IDEA, the Department has requested that we talk with local education officials about their experiences under the current law.

1. **Do students with disabilities engage in dangerous behavior or other serious misconduct more or less frequently than nondisabled students?**

2. **What discipline do students with disabilities receive for serious misconduct, and how does that discipline compare to the discipline applied to nondisabled students?**

   a. Do students with disabilities *avoid* suspension or expulsion for misconduct that would result in suspension or expulsion for nondisabled students?

   b. Are students with disabilities suspended or expelled for misconduct that would *not* result in suspension or expulsion for nondisabled students?

   c. Are students with disabilities suspended for shorter or longer periods of time than are nondisabled students for similar misconduct?

   d. Are students with disabilities disciplined in unique or alternative ways?

   e. How often and under what circumstances does serious misconduct by students with disabilities result in changes in placement?

3. **In general, do you find that school authorities and parents of students with disabilities can reach agreement about the appropriate approach to addressing serious misconduct?**

4. **A school can discipline a student with a disability in the same manner that it would discipline a student without a disability if the student's behavior is not a manifestation of the student's disability. That is, a student may be suspended or expelled in the same manner, as long as services are continued. However, if a parent disagrees with the manifestation determination, the student must "stay put," i.e., cannot be suspended for more that 10 days or expelled until the dispute is resolved. How often do parents take exception to determinations by school personnel that misconduct was not related to the disability?**

   a. What percentage does this represent of all such determinations?

   b. How many of these cases involved

      (1) bringing a firearm to school,

      (2) brining a weapon other than a firearm to school,

      (3) other life-threatening behavior,

      (4) other dangerous, but not life-threatening behavior, or

      (5) dangerous misconduct?

   c. Which party prevailed?

5. **If the misconduct has been determined to be related to the disability, the school may want to recommend a change in placement because of the student's behavior. If the parents disagree, the student must "stay put" in the current placement until due process procedures are completed. How often do parents take exception to determinations by school personnel that a placement should be changed because of misconduct?**

   a. What percentage does this represent of all such determinations?

b. How many of these cases involved

(1) bringing a firearm to school,

(2) bringing a weapon other than a firearm to school,

(3) other life-threatening behavior,

(4) other dangerous, but not life-threatening behavior, or

(5) dangerous misconduct?

c. Which party prevailed?

6. In cases where a parent disagrees with the recommended disciplinary action or change in placement and has invoked due process protections, has the district tried to get a temporary restraining order?

a. If not, why not?

(1) Are you aware you can get a temporary restraining order under this circumstance? [To get a temporary restraining order you must show substantial risk of danger to the student or other students.]

(2) Are you aware you don't need a temporary restraining order for a gun offense because of the Jeffords amendment, which allows a 45-day alternative placement [included in the Improving America's Schools Act of 1994]?

(3) Are you inhibited by district policy, paperwork, cost?

b. If your district has tried to get a temporary restraining order, was the district successful?

(1) If not, why not?

7. **Do you believe that current statutory provisions provide sufficient authority to appropriately discipline students with disabilities and maintain safe schools?**

    a. If not, what do you perceive are the specific impediments under current law?

8. **On October 20, 1994, Congress enacted the Improving America's Schools Act, which included an amendment to IDEA to allow school districts to unilaterally place students with disabilities who bring firearms to school in an alternative educational setting for up to 45 days, or longer if due process proceedings are pending. Were you aware of this change?**

    a. Have you placed any students in alternative placements in accordance with this change?

    b. Has this change alleviated concerns you have related to current statutory provisions [expressed in response to question 7 above]?

        (1) If no, would extending this provision to include other weapons alleviate your concerns?

    c. Were you aware of the U.S. Department of Education guidance on disciplining students with disabilities issued April 26, 1995?

9. **Are you aware of unique or alternative discipline measures that have been effective with students with disabilities who engage in misconduct in your district?**